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IMPROVING THE FEDERAL COURT LIBRARY SYSTEM

Report and Recommendations Submitted to
the Judicial Conference of the United States
by the
Board of the Federal Judicial Center

February, 1978

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EXECUTIVE SUMMARY

The Judicial Conference of the United States asked the Federal Judicial Center to study the "artificial distinctions" between circuit court and district court library facilities. The Judicial Conference also asked for an investigation of the problem of duplicative law book holdings in the federal judiciary. This Federal Judicial Center report responds to those requests by examining the system that currently supplies federal judges with the law books and legal information services they need to complete their judicial duties.

The federal court library study, conducted by a senior professional in the law library science field, preceded this report. That study and this report reveal many inefficiencies and weaknesses in the techniques used to procure and manage the law books owned by the federal judiciary. These systemic problems can and should be solved, in order to assure that all federal judges have speedy access to the legal research materials they need. To facilitate the realization of that goal, this final report includes specific recom-

mendations for change, which we believe are immediately attainable at a minimum cost. If implemented, these recommendations should ultimately provide improved services to the federal judiciary at substantial savings. We offer these recommendations for consideration by the Judicial Conference of the United States.

The library study commissioned by the Center amassed a wealth of information. The project director's main report, nineteen appendixes, and fourteen supplemental reports total more than 2,000 pages of text and exhibits. The study and this Center report left no aspect of the federal court library system untouched. Center staff have analyzed current systems of procurement and inventory control; observed the techniques used to allocate funds for federal court law book purchases; and created a computerized inventory of all current federal court law book holdings. We have surveyed the law book and legal research needs of all federal judiciary personnel; revealed the relative paucity of legal information available to federal judges; and considered the personnel needs of the federal court library system, both at the national and "local"--circuit and district--levels. We have identi

fied what we believe to be the main causes of law book duplication in the federal courts, including the absence of shared chambers collections and antiquated architectural design of law library facilities in most federal court locations.

This broad array of data gathered by the Center provides the major foundation for this final report. In establishing the specific recommendations for change, we also relied on the advice and counsel of the Library Study Advisory Committee, which included federal judges, a circuit executive, a circuit librarian, a former Supreme Court librarian, and librarians from academe and private practice. Finally, in writing this final report, Center staff consulted senior personnel of the Administrative Office of the United States Courts, circuit librarians, and circuit executives.

The Problems

The federal judiciary owns the world's largest law book collection. Its 2.8 million volumes dwarf even the collection of the Library of Congress. Ironically, however, the federal judiciary has one of the smallest law book collections in terms of the amount of informa-

tion provided to users. Although the system has many volumes, it offers only 2,500 titles to the judges and judicial personnel it serves--only 30 percent of the titles found in most state supreme court libraries.

This low ratio of titles to volumes, which measures the extent of duplication in the system, is symptomatic of the many problems uncovered during the course of this investigation. The problems identified can be grouped into five distinct areas: (1) law book management at the national and circuit levels, (2) law book budgeting and procurement, (3) library personnel at the circuit and district levels, (4) library use and facilities, and (5) federal court library policy and future planning at the national level.

Management. The Administrative Office has not been staffed with the professional law library management personnel it needs. Considerable evidence and opinion suggest the immediate need for employing a professional, experienced in law and law library management and sensitive to technological developments related to legal research, to supervise and coordinate the entire federal court library and legal information system.

There is also the immediate need for a national management information system that can provide necessary inventory control of the federal court law book holdings.

On the circuit level, this investigation reveals inadequate management and leadership. The current overly centralized law book management system has prevented circuit librarians from assuming the leadership roles they otherwise should occupy.

Budgeting and procurement. The current law book budgeting procedure has severely hampered intelligent expansion of federal court law book collections. The amount ultimately budgeted at the national level is not allocated by individual circuits, courts, or judges.

Delay in acquisitions and interruptions in law book supplementation result from the current law book procurement system, which requires that all federal court employees' requests for acquisitions crowd through an office inadequately staffed with only six people.

Personnel. Of the 2.8 million volumes in the federal court library system, only the 400,000 volumes held by circuit court libraries are attended by profes-

sional personnel. The overwhelming majority of holdings--chambers collections and the forty-seven district court central libraries--are attended by deputy clerks, law clerks, and judges' secretaries.

Not only is the federal court library system inadequately staffed, but some of the professional librarians currently serving the courts of appeals are not paid adequately for the work asked of them.

One of the major distinctions between court of appeals and district court library facilities is that the circuit courts have librarians authorized by legislation. Most district courts "make do" with personnel whose primary responsibilities do not include law book maintenance. Eliminating this distinction by providing professional librarians for district court libraries would considerably strengthen the federal court library system.

Library use and facilities. The number of judges served, not the type of court, should guide the establishment, maintenance, and staffing of federal court libraries. The "artificial distinction" between the libraries of the courts of appeals and those of the district courts is, according to the library study, more "unjustifiable" than "artificial."

Significant differences do exist between the facilities available to district judges and those available to circuit judges. The average circuit judge's chambers collection contains 3,128 law books; the average district judge's contains 2,780. The average circuit headquarters central library has 31,572 law books; the average district court central library has 4,208.

After analyzing patterns of law book use as revealed by citations in published federal court opinions, the library study staff established suggested minimum holdings for circuit court libraries, district court central libraries, chambers collections for judges, and individual collections for other federal judiciary personnel.

One of the most revealing parts of this endeavor has been the survey of current architectural problems in federal court library facilities. If any single aspect of the federal court library system could be labelled the "proximate cause" of law book duplication, it would have to be the lack of architectural planning and guidelines for the construction of federal court libraries that would foster the sharing of law book facilities.

Not all law book duplication in the federal judiciary is undesirable. The nature of the federal court system requires duplicative holdings, because as long as there are many judges in multiple locations, there must be multiple collections of law books. The degree of duplication that now exists, however, is unnecessary and wasteful. To reduce it will require major changes in the law book collections of federal judges.

Future planning and policy. The evolution of the federal court library system has included little or no planning for future law book needs, little or no development of new legal research techniques, and little or no central guidance in the expansion of law book collections serving federal judges.

The library study marshals an impressive array of evidence showing the effects of this lack of planning. Courthouse design, inventory and procurement techniques, central budgeting, and many other aspects of the "system" that enables federal judges to find applicable law have remained relatively static, despite revolutionary change in library science and technology.

The federal judiciary should be at the vanguard of legal research development. It can attain that goal

only through organized planning for the future on the part of the Judicial Conference, the Administrative Office, and the Federal Judicial Center.

The Solutions

The library study completed by the project director contains numerous recommendations for improving the federal court library system. Most of those recommendations involve the establishment of a new "Judicial Law Resource Center" that would operate as a separate agency in the judicial branch, effectively relieving the Administrative Office of its responsibility for law book procurement and management.

In this report, the Federal Judicial Center, using much of the information and data provided by the library study, forwards recommendations for change to the Judicial Conference. We believe, however, that problems will only proliferate if another federal agency is established as envisioned by the library study's project director. Solution of the problems we have identified lies instead in the adoption and application of sound management principles to law book and law library management, within the existing administrative structure.

This staff report describes the major problems that merit the immediate attention of the Judicial Conference. We have drafted what we deem to be workable recommendations to solve those problems. In this staff report, the Center proposes nineteen specific recommendations, each of which is discussed separately and documented according to material provided by the library study. Following, in this executive summary, is a listing of those specific recommendations. We hasten to point out that their full import can only be appreciated by reference to the textual discussion in part two of this staff report.

Management Recommendations

1. Library director. That the Administrative Office establish the position of director of federal court libraries to oversee the administration of the federal court libraries, and, more broadly, other legal research services, and that the Administrative Office fill that position with a professional who has demonstrated leadership and experience.

2. Circuit librarians. That the circuit librarian in each circuit be charged with the responsibility

to propose a circuit-wide library budget to the circuit executive, to inventory all law books in the circuit, and to make periodic reports to the federal court library director.

3. Law book inventory. That the Administrative Office establish and maintain a computerized inventory of all federal court library holdings, which would indicate cost, location, and supplementation of each book owned by the federal courts, and would serve the management information needs of the Administrative Office.

Budgeting and Procurement Recommendations

4. National library budget. That law books and other expenses directly attributable to maintenance and support of federal court library holdings receive a definite amount of funding specified in the Administrative Office budget.

5. Circuit library budgets. That the Administrative Office, after considering each circuit's proposed library budget, allocate, for each circuit, funds for library maintenance, acquisitions, and other expenses

directly attributable to the library holdings of each court in each circuit.

6. Local discretionary funds. That each federal judge have available a relatively small but definite amount of local discretionary funds to purchase, directly from vendors, law books for official use. The Administrative Office should provide for such local discretionary funds within each circuit's library budget.

7. Procurement. That the Administrative Office develop an efficient procurement procedure that minimizes delay, assures continuation of needed services and supplements, and assures awareness of forthcoming publications of interest to the federal courts.

Personnel Recommendations

8. Circuit librarian grade. That the court of appeals librarian position be upgraded and that the circuit librarians' salaries be fixed at a level commensurate with their background, experience, and responsibilities.

9. Librarians for central libraries. That the Administrative Office establish the position of librar-

ian for district court libraries and for central libraries in the federal judiciary.

That in those district courts not requiring the services of a central library, the chief judge of the district consider appointing an appropriate person to take responsibility for all law books within the district.

10. Librarian training and education. To develop and maintain a high level of expertise, all federal court librarians should be encouraged to participate in professional training activities; and the Federal Judicial Center, with the assistance of the new director of federal court libraries, should develop appropriate continuing education programs for federal court librarians.

Library Use and Facilities

11. Artificial distinction. That the artificial distinction that exists between the circuit and district courts regarding the establishment, maintenance, and staffing of central libraries be eliminated.

12. Satellite libraries. That experimentation with satellite libraries, which in effect are central libraries, continue and be extended to other parts of

the country so that ultimately, central library services will be made available wherever they are justified.

13. Minimum federal court library holdings. That the Administrative Office furnish court of appeals and district court central libraries with at least the legal research material that is necessary to insure compatibility with those minimum standards that the Judicial Conference approves.

14. Individual collections. That the Administrative Office establish and maintain a chambers library for each court of appeals judge, district judge, magistrate, and bankruptcy judge at each individual's official duty station. Such collections should contain, for each category of judicial officer, at least the minimum holdings that the Judicial Conference approves.

15. Surplus holdings. That the Administrative Office create an ongoing system of withdrawing those law books having no research or other value to a given court, so that they may be redistributed to another court or office, stored in a central warehouse, sold, or otherwise appropriately disposed of.

16. Architectural standards. That the Administrative Office establish a formal, continuing liaison with the General Services Administration to provide architectural guidance consistent with intelligent provisions for and use of space for legal research materials.

17. Duplication of holdings. That the Administrative Office establish an ongoing program to eliminate unnecessary duplication of holdings in the interest of realizing savings in cost and space.

Policy and Future Planning Recommendations

18. Standing subcommittee. That the Judicial Conference of the United States consider appointing a subcommittee of a Judicial Conference standing committee to oversee the operation of the federal court library system.

19. Continuing program. That the Administrative Office and the Federal Judicial Center cooperate in an ongoing program to monitor and assist the development, test the utility, and recommend the implementation of new technology and services in the legal research field.

Although we believe that each of the above recommendations should be adopted, there are a few that, in our view, are indispensable to solving the major problems in the federal court library system. The major weaknesses plaguing the federal court library system result from severe personnel shortages at the administrative, circuit, and district levels, and from an equally severe lack of professionally qualified personnel at the administrative and district levels. The recommendations in this report dealing with personnel and management, therefore, deserve the most serious consideration of the Judicial Conference.

Among those recommendations, the most important is creating the post of director of federal court libraries within the Administrative Office. Adopting this one recommendation would automatically precipitate many of the needed improvements at the management level. Systemic weaknesses caused by lack of personnel trained in law library science would be reduced, once a director of federal court libraries is appointed. Even those difficulties caused by inadequate funding could be ameliorated through the leadership of the new director of federal court libraries.

PREFACE

Nature of the Federal Court Library Study

In March, 1975, the Judicial Conference of the United States asked "the Federal Judicial Center to conduct a study designed to eliminate the artificial distinction between the court of appeals and district court libraries and to avoid duplication of libraries and duplication in the separate offices of judges."

To comply with the mandate of the Judicial Conference and, more generally, to investigate the methods by which federal judges are supplied with the means of finding the law, the Center commissioned Raymond M. Taylor, a senior professional in the law library field, to organize the necessary personnel, make the necessary findings, and recommend improvements for the federal court law library system.*

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*It should be emphasized that the matter of additional federal judgeships was neither within the mandate of the Judicial Conference request to the Center nor within the commission of Mr. Taylor. It was not addressed by the Taylor study and is not discussed in this report. Nothing in any of the reports or supporting studies for this project can fairly be read to cast any doubt on the need for additional judgeships.

An advisory committee was appointed to assist the project director, his staff, and Center staff. Chaired by Judge John D. Butzner of the Court of Appeals for the Fourth Circuit, the advisory committee met periodically in Washington to review drafts of the project director's reports and advise the project team.

The library study began in January, 1976. In October, 1977, the project director submitted his final report. The major document of the project is the 244-page Federal Court Library Study: Report and Recommendations. Accompanying this document are nineteen appendixes totalling 294 pages:

Appendix A: Basis for Valuing the Libraries of the United States Courts, 4 pages

Appendix B: Personnel Time and Cost for Maintenance of the United States District Court "Central Libraries," 7 pages

Appendix C: Cost of Law Book Space in the Federal Courts, 4 pages

Appendix D: Title X, "Law Books," Guide to the Administrative Organization of the United States Courts, 16 pages

Appendix E: Section VIII (8), "Law Books," Operations Manual for United States Magistrates, 4 pages

Appendix F: Pages 302.01-302.04, Property Record, Manual for Bankruptcy [Judges], 5 pages

Appendix G: Pages 504.01-504.02 and Exhibit, Operations Manual for Federal Public Defenders, 5 pages

Appendix H: Letter from Frank Di Canio to Paul R. Tuell, October 14, 1976, 6 pages

Appendix I: Administrative Office Response to Library Requisitions, 33 pages

Appendix J: Job Descriptions of United States Court of Appeals Libraries Personnel, 107 pages

Appendix K: Comparative Data on Federal Court Library Personnel, 20 pages (Confidential)

Appendix L: Proposed Official Draft of Standards for [State] Supreme Court Libraries, 6 pages

Appendix M: Duplication of Basic Law Book Sets in Major Law Firms, 6 pages

Appendix N: The Ratio of Lawyers and Law Students to [Total Sets of] Federal Reporter and Federal Supplement, 3 pages

Appendix O: Tentatively Recommended Library and Law Research Personnel for United States Courts, 14 pages

Appendix P: Minimum Library Standards, 35 pages

Appendix Q: Law Book Preferences and Needs, 7 pages

Appendix R: Book Requirements of the Clerks of the United States District Courts, 6 pages

Appendix S: Estimated Budgetary Requirements for Law Books for One Fiscal Year, 6 pages

The project director submitted fourteen supplemental reports, totalling 1,546 pages, on

specialized facets of the federal court law book system:

1. Locations of Federal Court Facilities (Except Clerk's Offices) Arranged Alphabetically by State, District, and City, 87 pages

2. Books That Judges and Other Court Officials Have and Do Not Need, 67 pages

3. Inventory of Periodicals in Federal Court Libraries Showing Total Number of Volumes in Collections, 35 pages

4. Law Book and Law Research Problems Reported by Judges and Other Federal Court Officials, 112 pages

5. A Half-Century of Federal Court Library Studies, 195 pages

6. Explanation and Summary of 1976-1977 Inventory of United States Government-Owned Books Held by Federal Court Officials, 323 pages

7. Considerations for the Architectural Design of Federal Court Law Research Facilities, 167 pages

8. Law Book Records Maintained by the Administrative Office of the United States Courts, 210 pages

9. Procurement of Law Library Materials for the United States Courts, 34 pages

10. Personnel for Law Research Facilities of the United States Courts, 44 pages

11. An Updated Proposal for a Pilot Program to Help Give Immediate Relief to Judges with Inadequate Law Libraries, 15 pages

12. Application of Facsimile Transceivers to the Transmission of Law Research Materials in the Federal Courts, 9 pages

13. Law Book Collections at Unoccupied Federal Court Locations [by district], 17 pages

14. Law Libraries Serving Federal Judges in Utah, 112 pages

Scope of the Federal Court Library Study

Although it was concerned with "libraries," the project director's study construed that term broadly. According to the study,

> "[l]ibrary" is a nonspecific term that encompasses collections of books ranging from a few volumes on an unattended shelf in a private home or office to thousands of volumes in well-organized research facilities that include information stored and used in many forms and administered by highly skilled research and information specialists.[1]

The study thus emphasized books, but also included microform and facsimile transceivers. The study staff surveyed well-organized central federal court libraries and law book holdings in remote areas; studied the techniques used to procure the needed law book services for federal judges; analyzed the cost of the entire system; and studied the system's personnel, both existing and needed.

The study, rather than interpreting "libraries" narrowly, "interprets 'libraries' as encompassing both

the sources and personnel of law information that are available to the federal courts and the means and costs of making them available."[2]

Finally, because another Center study dealt exclusively with evaluating various commercially offered systems of computer-assisted legal research, consideration of the use of computers for retrieving legal information was minimized in the study of federal court libraries. "This study rcognizes the importance of the computer and its potential as a tool for law research, but additional attention to the computer by this study would have constituted wasteful duplication of effort and resources."[3]

The Computer Inventory

When it was determined that the Administrative Office did not have a usable, efficient inventory of federal court law books, a consultant was commissioned to help develop a computerized inventory of federal court law book holdings. After creating the inventory, which was based on responses to questionnaires sent to all officials in the federal judiciary and on responses from major law book publishers, the project director delivered the computer tapes to the Center so that the

Administrative Office could use them to computerize its law book procurement system. The tapes have been made available to the Administrative Office to help it develop an automated approach to federal court library acquisitions and inventory control.

The Federal Judicial Center's Report and Recommendations for Change

The Center staff has thoroughly reviewed the data submitted by the project director. The staff has met with the advisory committee, which provided perspectives from all levels of the federal judiciary, and has had numerous consultations with the senior personnel of the Administrative Office, who have been most helpful in identifying problems and in helping to develop solutions that would serve the goals we share. The board of the Federal Judicial Center has considered staff reports drawn from all these sources. The board now submits this final report to fulfill its congressional mandate of presenting "for consideration by the Judicial Conference of the United States recommendations for improvement of the administration and management of the courts of the United States." (28 U.S.C. § 620(b)(2).)

Part one, "The Federal Court Library System: A Description of the Present Situation," describes the current methods used to provide federal court judges and other personnel with the means of finding the law.

Part two, "Recommendations for Change," draws on the collective wisdom of the project director's study, the advisory committee meetings, and interviews with circuit librarians and circuit executives. Part two also reflects consensus reached in joint Center-Administrative Office meetings and propounds separate, specific recommendations for major changes in the methods by which judges are provided the law book services they need.

The importance of the study and of the recommendations in this report should not be minimized. Considerations of efficiency and economy must always command the attention of those charged with the public trust. There are, however, larger considerations involved in providing the federal judiciary with the reference materials necessary for the proper discharge of its important public responsibilities. Indeed, where substantial numbers of judges report that they do not have available the library materials they consider

necessary in the process of judgment, it is obvious that the library system is in need of significant reform.

PART ONE: THE FEDERAL COURT LIBRARY SYSTEM: A DESCRIPTION OF THE PRESENT SITUATION

Introduction

The Center's twenty-month study of federal court libraries revealed many examples of waste and inefficiency in the current techniques, procedures, and operating policies that provide federal judges with the legal information they need to complete their judicial duties. The most important weakness appears to be the lack of library science expertise at the administrative level. The current systems of procurement and inventory control within the Administrative Office also merit immediate structural changes. Finally, the current system of budgeting for the law book needs of federal judges and other personnel of the federal judiciary could benefit from the introduction of significant reforms.

Identifying these perceived deficiencies is important because their correction represents a potential for improved efficiency: more effective service to federal judges for whom law books are a primary, indeed

an indispensable tool, and the elimination of needless expenditure of public funds. The prospect of achieving these ends motivated the Judicial Conference resolution, and reflects a goal shared by the staffs of the Center and the Administrative Office.

The problems besetting the federal court library system are not small, but neither is the system itself. Indeed, it is best to begin with a brief description of the extent of the federal courts' law book holdings, the cost of acquiring and maintaining those books, and the large number of sites at which they are held. Some understanding of the magnitude of these elements is essential if one is to appreciate the problems identified in connection with procurement, record keeping, and budgeting for the federal court library system.

The Books in the System

The project director reports:

> The United States court system contains at least 2.8 million books that are owned by the United States government. Those books have a value of approximately $80 million; they are located on approximately 80 miles of shelving that occupies approximately 283,124 square feet of floor space in at least 353 separate buildings in 331 different cities; they require expenditures of approxi-

> mately $3 million per year of materials necessary to keep them up to date; they necessitate personnel expenditures of approximately $2.5 million to attend to them; and they are used by at least 1,015 court officials and their staffs. These books and people are all parts of the courts of appeals of the eleven circuits and the district courts of the ninety-four districts that are within the judicial branch of the federal government of the United States and that cover all fifty states plus the District of Columbia, Puerto Rico, Guam, the Canal Zone, and the Virgin Islands.[4]

The law books owned by the federal courts thus constitute the world's largest law book collection. Its 2.8 million volume collection overshadows even that of the Law Library of Congress (1.6 million).

But even though the federal courts collectively have the world's largest law library, they have one of the world's smallest law libraries in terms of the amount of information available to federal judges.

Inventorying the 2.4 million books in the judges' chambers, "shared libraries," and collections other than the half-million books in the twenty-four libraries with full-time staffs reveals that the total number of titles in those collections is less than 1,000. The twenty-four staffed libraries, combined, have no more than 2,500 titles.[5]

Compared with the libraries of other legal institutions, the federal court libraries include 2,500 titles for the judges' use, while the Supreme Court has nearly 8,000, the North Carolina Supreme Court library has 8,300, the Emory University law library has 23,370, and the University of Michigan law library has 173,000. Thus, the federal courts have many books but comparatively few titles.

Value of the Books

In appraising the value of the federal court law book holdings, the library study suggests two monetary figures to reflect the collection's value: the "inventory price" and the "value to the owner." The inventory price listed on the computerized inventory generated by the study is either (1) the price of the books as listed in the 1976-77 Federal Supply Schedule; (2) the retail price for which the publisher now offers the book or did offer the book when it was last in print; (3) the dealers' prices for bound sets of periodicals, as listed in current catalogs; or (4) $7.50 per volume for sets of official state court reports.

Using the appropriate price from the above alternatives, the library study staff calculated that the

inventory price of federal court law books is $29,446,391 for the 2,554,264 books listed on the inventory printout.

The study staff also calculated what it thought the books' value to the owner would be. This estimate included the

> expense of determining what book to buy, of locating the book or ordering it, of unpacking it, of recording its receipt, of placing a property stamp on it, of shelving it, of processing the bill for payment, of writing the payment check and mailing it, and making appropriate records of the expenditure.[6]

After "careful consideration and inquiry," the library study concluded that "the average book in the United States court system has a value of at least $27.50. . . . It is on that basis that a total value of $77,858,962.50 was arrived at for the entire collection of 2,831,235 books, as of November 22, 1976."[7]

Costs of Maintaining the Books

The study surveyed the various costs of maintaining the law books used by the federal judiciary, including (1) personnel, (2) acquisitions and upkeep, (3) space, (4) printing slip opinions, and (5) local expenditures.

Personnel costs. The study estimates that costs for personnel to procure and maintain the law books owned by federal courts total $2.5 million a year.[8] The cost for the six individuals in the Administrative Office who constitute the law book procurement staff totals between $97,330 and $126,535 annually.[9] In the seventeen libraries serving the eleven circuit courts, there are forty-four persons who perform the daily duties of library operation and maintenance. Their combined annual salary ranges between $535,783 and $696,550.[10] Within the judicial system are forty-seven district court "central libraries," which are maintained by more than forty-seven persons who spend between 2.5 and 100 percent of their time attending the law books. The portion of their annual total salary applicable to library work is $126,978.

The study also undertook to determine the personnel cost of maintaining the substantial number of volumes not in circuit court libraries. To do so, it divided $126,978 (the estimated personnel cost in the district court central libraries) by 180,000 (the number of volumes reported in forty-one of the forty-seven district court "central libraries"). The resulting personnel cost per volume, $0.71, was then multi-

plied by 2,427,586, the number of books "located in places other than circuit libraries,"[11] to reach a personnel cost estimate of $1,723,586, which includes the district court central library personnel cost estimate.

When this figure of $1,723,586 is added to the Administrative Office procurement personnel cost (which ranges from $97,330 to $126,535), and the circuit library personnel cost (which ranges from $535,783 to $969,550), the total estimated cost of personnel to maintain federal court law books, as found by the study, is between $2,357,699 and $2,546,671.

It must be pointed out that this personnel cost estimate may be somewhat inflated. The per-volume maintenance cost of $0.71 was derived from the number of volumes and estimated personnel cost in district court central libraries. This per-volume cost was then applied to the overwhelming majority of volumes owned by the federal courts, including those in chambers collections and unoccupied federal court locations. It seems reasonable to assume that even though the books in district court central libraries are tended by non-librarian personnel, they are tended more frequently

and with more care and attention than those books in unoccupied federal court locations. Indeed, one of the primary findings of the library study is that most books owned by the federal judiciary are inadequately maintained. Thus, personnel costs derived from more frequently maintained books should not be applied to infrequently maintained books to obtain a personnel cost estimate for the entire system.

A further point deserves mention. There is a personnel cost in the care of books by law clerks, deputy clerks, and other nonlibrary personnel. An allocated share of the salaries of such individuals may indeed be included in total personnel cost, but it should not be thought that transferring parts of chambers collections to central libraries, so that the books could be professionally tended, would result in a cash saving. Indeed, relocation of a substantial number of volumes might obligate law clerks or other nonlibrary personnel to spend time bringing such books from the central library to chambers.

Acquisitions and upkeep. "The Administrative Office estimated that it would spend $300,000 for new titles ('acquisitions') and $3 million for continuations ('upkeep') during fiscal year 1977."[12]

Space. In a separate appendix,[13] the study calculates that the cost of shelf space for each book in the federal court library system ranges between $0.60 and $1.24--an annual total cost of $1,704,406 to $3,510,731. Using the same per-book cost range, the study also estimates that the federal courts pay between $16,965.50 and $35,062.24 per year to shelve books that judges have but do not want or need.[14]

Although discarding or transferring unwanted books might not produce the immediate dollar savings the library study envisioned, and might even involve some cost, disposing of or transferring unwanted books would release scarce shelf space and postpone the day when additional floor space for library storage might have to be leased.

Slip opinions.

> A significant item in the cost of providing law books for federal court personnel is the cost of slip opinions. "Slip opinions" are the first mass-produced copies of opinions by the United States courts of appeals, and they are [intended for use between the time an opinion is handed down by the court and its publication in Federal Reporter.] That time gap currently averages approximately twelve weeks. . . . It is appropriate, therefore, to include as a budgetary requirement for court libraries the figure of $840,000, which is the slip opinion cost estimate as provided to the Congress for fiscal year 1978.[15]

The study also noted, but made no attempt to calculate, the significant personnel costs that are incurred throughout the federal court system to index or digest court of appeals decisions. Such indexing assures access to those decisions until their appearance in the advance sheets to Federal Reporter. A separate Federal Judicial Center study, recently initiated, indicates there is substantial duplication in the indexing of slip opinions. Indeed, there may be literally hundreds of federal court personnel indexing the same court of appeals decisions. It is hoped that recommendations will be developed to effect substantial reduction in, if not elimination of, this duplication of effort and the resultant waste of scarce personnel resources.

The Federal Court Library Study also estimates that the practice of most circuits to exchange slip opinion subscriptions for law review subscriptions "costs" the federal courts $52,671 annually.[16] Discussion with circuit executives, however, revealed that the marginal cost of additional slip opinions used to trade for law review subscriptions is practically neg-

ligible; for this reason, the discontinuance of the exchange procedure is unlikely to result in any significant cost saving and is not recommended.

Local expenditures. For many years it has been customary for circuit libraries to make limited purchases directly from vendors, with local funds obtained through fees paid by attorneys applying for admittance to the bar of that circuit. Also, the Seventh Circuit Court of Appeals and the United States District Court for the Northern District of Illinois charge an annual library fee to attorneys admitted to practice before those courts. The library study surveyed the circuits and determined that these local expenditures amount to $88,589 annually.[17]

Locations of the Federal Court Law Book Collections

The library study carefully analyzed the locations of the hundreds of law book collections in the federal court system and the size and cost of those collections, and reported its findings in supplemental report 1, Locations of Federal Court Facilities (Except Clerk's Offices) Arranged Alphabetically by State, Dis

trict, and City. The study surveyed the collections at occupied locations, including "chambers collections" of circuit and district judges; "office collections" of magistrates, bankruptcy judges, federal public defenders, and clerks of court; and the collections in circuit and district "central libraries." The study also surveyed collections at unoccupied locations with either no or fewer than ten trial days in 1976.

As pointed out in the study:

> Although personnel of the United States courts of appeals and district courts conducted their business in at least 429 separate buildings in 407 cities throughout the 50 states plus the District of Columbia, Puerto Rico, Guam, the Canal Zone, and the Virgin Islands, government-owned books actually are located in only 353 buildings in 331 cities in each of those states and other jurisdictions.[18]

Occupied locations: chambers and offices. Each chambers or office of each circuit and district judge, full-time magistrate, bankruptcy judge, and federal public defender has a collection of law books. The 130 circuit judges have 142 chambers, each containing an average of 2,930 books. The typical circuit judge thus has an average of 3,128 books.

According to the study:

> It is not unusual for a circuit judge to have books located in at least three places: 1) primary chambers, such as in federal buildings in their hometowns, 2) secondary chambers, such as chambers in the headquarters cities of their circuits, and 3) offices or working quarters in their private dwellings. When he visited the various circuit headquarters, the project director saw many chambers containing thousands of books used only a few weeks each year.[19]

At least 476 of the 485 district judges have chambers containing law books, each having an average of 2,780 books. Although statistics are not available, the study did ascertain that many district judges have books located in two or three places.

At least 126 of the 145 full-time magistrates have chambers containing an average of 432 law books each. Of the 197 full-time bankruptcy judges, 180 have offices with an average of 246 law books each. Twenty-three of the twenty-four federal public defenders have offices with an average of 1,588 law books each.

No magistrates or bankruptcy judges, and only a few federal public defenders, have multiple offices containing law books.

The ninety-four district court clerks and eleven court of appeals clerks have minimal law book collections for use in their official duties. The study did

reveal, however, that "[c]lerks of courts sometimes are given custody of unwanted or surplus books from judges' chambers. Inventory forms submitted by seventy-three clerks of court indicate that these officials have custody of at least 89,497 volumes not covered in any other inventory."[20]

Occupied locations: libraries. The study surveyed the eleven circuit headquarters libraries, the three experimental satellite libraries in the Third Circuit, the two branch libraries in the Ninth Circuit, and the branch library in the Eighth Circuit. These libraries have a total of 411,300 law books. The eleven circuit headquarters libraries have 347,297 of these books; the average collection in each is 31,572. The circuit collections range from a maximum of 40,549 books in the Sixth Circuit library in Cincinnati to a minimum of 20,803 in the Tenth Circuit library in Denver.

> The study received information indicating that there are forty-seven "central libraries" on the district court level. Available inventories show that forty-five of those district libraries have a total of 189,382 books, for an average of 4,208 books each. Assuming that the other two have an average number of books, the total for all forty-seven is 197,798. . . .[21]

Significantly, the study shows that these district court libraries, which have none of the librarians that are authorized by legislation for the circuit libraries,[22] "are maintained by a variety of personnel, including deputy clerks of court, law clerks, secretaries, and work-study students . . . at a total annual personnel cost of $126,978."[23]

Unoccupied locations. Of the 429 locations within the federal court system, 188 (44 percent) have no judge, full-time magistrate, full-time bankruptcy judge, or federal public defender as a regular occupant. These 188 unoccupied locations account for 6.26 percent of the total trial days in fiscal 1976. Of these 188 unoccupied locations, 112 have a total of 229,103 books.

At eleven of these 188 unoccupied locations, there were no trial days in fiscal 1976. More than 20,000 law books are located at these unused facilities. In twenty-six of these unoccupied locations, there were fewer than ten trial days in fiscal 1976. There are more than 40,000 law books at these twenty-six locations.

Procurement of Federal Court Law Books

> Congress has placed upon the director of the Administrative Office of the United States Courts the duty, "under the supervision and direction of the Judicial Conference of the United States," to "[p]urchase, exchange, transfer, distribute, and assign the custody of law books, equipment, and supplies needed for the maintenance and operation of the courts. . . ." 28 U.S.C. § 604(a)(10) (Supp. IV 1975).[24]

Pursuant to this authority, the Administrative Office has issued various documents and manuals[25] setting forth the books the Judicial Conference has approved for circuit and district judges, magistrates, bankruptcy judges, and federal public defenders.

With the exception of books purchased with local funds, the Administrative Office buys all books for United States court personnel. The purchasing takes place in the six-person "law book unit," which is located within the procurement and property management control branch of the Administrative Office. The law book unit receives and reviews all law book requisitions. According to the chief of the procurement branch, "[I]t takes two of these people almost full time trying to review and research and reply to correspondence."[26]

Although "outright denials are an extreme rarity,"[27] "documents issued by the Administrative Office use words and terms clearly indicating that Administrative Office personnel are to exercise a high degree of their own judgment in selecting law books for, and evaluating law book requests from, judges and other court personnel."[28]

Judges as well as court librarians are involved in the selection of books they would like to have purchased. When publishers send advertisements to the judges and librarians, the Administrative Office almost immediately receives dozens of requisitions for the works advertised. "In efforts to build their collections, fill in gaps, and otherwise improve the quality of their libraries, the librarians sometimes requisition books pursuant to development plans they have formulated."[29]

The study documents its finding that the major problems experienced by personnel involved in law book procurement are "unnecessary paperwork, long delays, . . . and inadequacy of standing-order procedures. . . ."[30] Each of these problems is discussed in turn below.

Paperwork.

> Court personnel desiring law books must send written requisitions, and sometimes letters of explanation or justification as well, to the Administrative Office. When a new book comes on the market, dozens of judges submit requests for it, especially when it is a work like Weinstein's Evidence, which many judges have requested. After researching the publication, the proper source from which to procure it, the price, and other relevant data, it is ordered by the Administrative Office if the purchase has been approved. Most such orders, even for the same title, are handled individually.[31]

Delays. As detailed in a separate report,[32] "the average time between the receipt of a law book requisition by the Administrative Office and that office's issuance of a purchase order was almost forty days in 1976, making a minimum average of six weeks between the time a judge requests a book and the time he gets it."[33]

Examples of delays are given in a recent letter to the Administrative Office from the Seventh Circuit librarian, Frank Di Canio. The letter, inquiring about eight requests sent one to six months before the letter and still not responded to, concludes: "These existing conditions are deplorable to say the least. We should, for courtesy's sake, receive a reply to our letters.

We cannot run a good law library if conditions like the grievances listed continue."[34]

Standing-order procedures. Official Administrative Office policy regarding the supplementation and upkeep features that are unique to law books is as follows:

> The Administrative Office will keep up to date, through supplements, pocket parts or new volumes each set of law books which it has supplied to a judge. Such continuation of a service is made automatically without further requisition, unless the judge advises the Administrative Office he no longer wishes it.[35]

Most purchasers of law books assure automatic receipt of upkeep features by entering "standing orders," which the vendors honor until cancelled. Concern for the technical requirements of procurement statutes,[36] however, has prevented the development of a standing-order procedure for federal court law book purchasing.

Whether due to the lack of a standing-order procedure or to the shortage of personnel in the Administrative Office procurement branch, delay or discontinuance of supplementation to law books has existed, according to the study's documentation. Comments from

circuit court librarians are given in the notes to this report.[37] They demonstrate that in the past, continuations of services unfortunately have not been "made automatically."

Recent meetings with senior officials of the Administrative Office reveal that the Administrative Office has now devised a law book ordering technique that achieves the same desirable effects as standing orders.

Budgeting and Appropriations

"The basic problem with library funding in the United States courts is that the appropriations are inadequate."[38] At a seminar for federal court librarians held in September, 1973, the chief of the Administrative Office procurement branch commented:

> Our appropriations are short. . . . The old cry is, "We don't have money," and we don't have unlimited funds, that's for sure. We'd like to be able to do better with what we have and hopefully we'll get more, but maybe we can learn of ways that we can use it better. . . . We are occasionally cut back; we are not always sure of what we are going to get.[39]

Circuit librarians complain that the Administrative Office runs out of money for law books before the end of the fiscal year. As the Third Circuit librarian reported:

> After March of a fiscal year, the Administrative Office is usually out of money and no items are purchased--whether new titles or supplements. This causes treatises and continuation items to become out of date, and they may not be updated for as long as six to eight months after the supplement is published.[40]

According to the Eighth Circuit librarian, "[t]he Procurement and Property Management Section does not begin ordering . . . newly requested books until November [and it] usually runs out of money for law books before May. . . ."[41]

Inadequate appropriations can be attributed to three factors: (1) the failure to stay abreast of developments in the law publishing industry, such as new publications or the rapid inflation in law book prices that has exceeded cost-of-living increases; (2) the failure to establish budgets on a local or regional basis, using input from those regions; and (3) low-priority treatment by the Administrative Office of federal court library needs.[42]

The following memorandum illustrates the failure to monitor developments in the law publishing industry. It is from the chief of the procurement branch to Gilbert L. Bates, assistant director of the Administrative Office:

> Recently, it was necessary to delay the purchase of West's Federal Practice Digest 2d for approximately six months due to lack of funds. We were not notified by the publisher that this new set was to be made available and therefore did not budget the $900,000 expense. Purchase of the set had to be delayed pending a complete review of existing funds.[43]

The absence of budgeting or maintenance of expense records on the circuit level is revealed by the following statement of the chief of the procurement branch at the September, 1973 circuit librarians' seminar. When asked, "Do you have any statistics on how much you spend on each library?" he responded,

> I'm sorry we don't. It would be difficult to get. I won't say it would be impossible. We don't have such records in our procurement and property management [branch]. I think Budget would have to do a lot of digging to come up with information such as this. I won't say that they might not in the near future. They are changing their system. . . . The question of budget for each library has been raised from time to time. No library has ever had a budget of its own, and I'm afraid that at this time there are no [such] plans.[44]

At the same seminar, the procurement branch chief disclosed the Administrative Office policy used to divide the total federal court library appropriation: "The policy . . . has been to conform to the judges' desires as much as possible as long as the cost did not exceed a fair proportion for a particular court of the total amount of funds available for law libraries. . . . We make the best distribution possible, using our best judgement."[45]

The circuit librarians are unanimous about the need for local circuit budgets. A sampling of their comments:

> "Most of the costs . . . are paid by the Administrative Office, and they do not tell us how much they spend on our library per year." (Circuit of the District of Columbia)
>
> "Everything must be requested from Washington or purchased by permission from local funds. The librarian has no idea how much is spent or can be spent for anything--books, supplies, equipment. Everything is hit or miss." (First Circuit)
>
> "The library does not have a budget and has to rely on centralized purchasing unless it uses the court's own library funds." (Second Circuit)
>
> "The procurement section is unable to tell the library how much was spent for the library on what materials." (Eighth Circuit)[46]

Inventory Control

> The basic problem that one has in analyzing the problems with the books within the United States courts is inadequate records. The Administrative Office . . . received from the United States Department of Justice, in 1940, approximately 50,000 three-inch by five-inch cards purporting to be a record of what books the courts had and where those books were. That card collection now has grown to what in 1973 was estimated to be between 250,000 and 300,000 cards, all kept in the law book procurement section [of the] procurement and property management branch [in the] Administrative Office. . . .
>
> The cards are arranged by the name of the judge who has custody of the books, and they show whether the judge received a book or set from a predecessor in office, or by transfer from some other judge. The cards normally have the title of a set and the date it was sent or transferred to a judge. They also usually show the name of the city to which the books were sent, and they give purchase order numbers and dates. They sometimes give prices. The cards do not, however, tell whether the sets have been kept up to date with supplements or replacement volumes, how many volumes now make up the set, whether superseded volumes have been removed, or exactly where the books physically are located. The cards bear frequent references to letters in the correspondence files, and the card records generally present an unclear picture of the true situation.[47]

It is readily apparent that the Administrative Office's system of inventory control does not resemble usual methods of such record keeping by professional law librarians. The historical accident of inheriting the system from the Department of Justice invited

perpetuation--not innovation--in order to assure smooth transition of federal court administrative responsibilities.

The inadequacy of the record-keeping system extends to lack of sufficient coverage. As pointed out by the study:

> Many books within the collections of the federal courts apparently were furnished without charge, and Administrative Office records often fail to indicate the presence of those books. Likewise, the Administrative Office does not maintain records of books purchased by circuit libraries by use of local funds, or books given to those libraries by personal representatives of deceased judges or attorneys. Even judges or other court officials sometimes have given books to the court libraries, and the Administrative Office has no records of these items in many cases.[48]

As mentioned in the preface to this report, the Administrative Office inventory control system prompted the project director of the library study to commission the development of a computerized inventory of law books held by officials of the federal judiciary. The computer tapes of that inventory are now in the possession of both the Center and the Administrative Office and are available to Administrative Office officials for use in the development of a computerized inventory of federal court law book collections.

The study reports, however, that

> [p]ersonnel of the Administrative Office told the project director in February, 1976, that the Administrative Office then was planning to begin maintaining its law book records by computer. There subsequently have been reports to the effect that the Administrative Office has been trying to develop a computerized system for this purpose. Thus far, however, no tangible evidence of the existence of such a system has been provided to personnel of this study.[49]

As recently as July, 1977, Charles Nihan, director of the Center's Innovations and Systems Development Division, visited the Administrative Office to inquire about the computer system. He reported that no computerized inventory was in existence.

The study concluded "that the computerized inventory produced by this study probably is the most complete and useable record of law books within the federal circuit and district courts through mid-1976."[50]

Federal Court Library Personnel

The study obtained job descriptions of the forty-three people who, in 1976, were employed by the federal courts to work in court of appeals libraries.[51]

According to the study, there is a lack of qualification standards for the legislatively authorized[52]

circuit librarians:

> Educational background of the circuit librarians ranged widely. One had a law degree and a doctorate; one had a law degree and two master's degrees; one had a law degree and one master's degree; one had a law degree only; two had a master's and two bachelor's; two had a master's and a bachelor's; and three had no degrees. All were JSP-11s ($17,056 to $22,177) except one, who has a JSP-10 ($15,524 to $20,177).
>
> From a standpoint of library experience, the range was from two to fifty-three years, and their years in their present positions ranged from two years to twenty-one years.[53]

"There are at least forty-seven district court or 'central' libraries in the federal court system. These forty-seven libraries are not staffed by statutory authority, and most of them are not staffed on a regular basis."[54] The study reveals that on a part- or full-time basis, twenty-four deputy clerks, twenty law clerks, two judges' secretaries, and some work-study students tend the law books in the district court central libraries.

Also, the law book collections at unoccupied locations might be tended by law clerks, deputy clerks, or secretaries who travel to the facilities before the judges' arrival to see that books are in order. In one location, the head custodian of the United States Pos-

tal Service places newly arrived books in the judge's chambers.[55]

Thus,

> [o]nly one-sixth of the 2.8 million volume law book collection of the federal courts is attended by trained library personnel employed for that purpose. The overwhelming majority of the largest law book collection in the world is either sporadically attended by people not trained for library work, or is not attended at all.[56]

According to Professor William R. Roalfe, one of the leading scholars in law library science:

> There are today and will probably always be a number of law libraries which will be under the supervision of a person who is primarily occupied with some other responsibility. This poses a serious problem because, human nature being what it is, one usually does not devote his best efforts to what he is likely to regard as a minor consideration, and, in any event, he will usually not have the time to acquaint himself with the field of endeavor represented by the library. Furthermore, when under pressure in respect to his primary responsibility, he will perforce neglect the library.[57]

Another significant personnel segment of the federal court library system, perhaps the most important segment, is the law book unit in the procurement and property management branch of the Administrative Office. Although the study did not review or inquire of

the Administrative Office about the law book unit's knowledge of law books and legal research, the study states that "the evidence is that it is gravely inadequate relative to the responsibilities they bear."[58] In the words of the study:

> In view of their limited numbers and lack of professional training in either law or librarianship, the people who handle law book procurement and records in the Administrative Office do a remarkably good job. No greater volume of work could be expected of them within the severe limitations of such a woefully small staff. . . . Not being located within or even close to a law library, the Administrative Office procurement staff today, as when William R. Roalfe wrote about them in 1953, must act "to a considerable extent upon information secured by correspondence and often without the benefit of direct collaboration between the libraries among themselves or with anyone in the Administrative Office."[59]

The study pointed out that "it is to the credit of the present procurement chief at the Administrative Office that he recognizes the insufficiency of his staff.[60] At the September, 1973 circuit librarians' seminar, the procurement chief said:

> We don't have a great number of people. We'd like to have more. We ask for more from time to time but we don't get them. . . . We need a few more people. I guess this is our problem. . . . [T]hose five people that I mentioned . . . are constantly busy trying to get out orders and answer letters.[61]

Summary of the Major Weaknesses in the Federal Court Library System

The above discussion reveals the inherent administrative, structural, and operational policy weaknesses or shortcomings in the federal court library system. The collection is the largest in the world, but provides a relative paucity of information. The necessary multiple locations of federal judges cause inevitable duplication, hindering, if not preventing, the development of a broad range of titles. Procurement, budgeting, and inventory control are haphazard at best. Professional library talent is scarce within the system. Top professional talent exists only at the circuit level; it is nonexistent at the national administrative level.

These shortcomings at the national level cause a variety of problems in the federal court library system and must be understood and corrected before a cure is effected. Only then will the local symptoms--the federal court problems described below in this report and more fully in the library study--ultimately disappear.

It bears some emphasis that virtually all the problems in the federal court library and law book management system are attributable primarily to the absence of professional library management expertise at the administrative level. In the opinion of Judge Joseph T. Sneed of the Ninth Circuit, a member of the advisory committee: "The solution is people. If we can get good professionals in the system, the problems will take care of themselves." We share that judgment. Good professionals may be expected to implement structural change; they can, with confidence, be expected to deal with a plethora of problems, symptomatic in nature, which are not detailed in this report. In short, qualified professional personnel and an improved structure will inevitably solve most, if not all, of the symptomatic problems that reveal the present federal court library system to be inadequate to its task.

The major problems in the federal court library system include, among others: (1) the "artificial distinction," (2) duplication, (3) architectural design, (4) insufficient law book coverage, (5) space, and (6) technology and services.

The artificial distinction. When the Judicial Conference requested that the Center undertake a study of the federal court library system, it specified that the study should be "designed to eliminate the artificial distinction between the courts of appeals and district court libraries. . . ."

The library study concluded that the distinctions "are more unjustifiable than artificial."[62] "All personnel of the judicial system" the study stated, "need adequate law research facilities that utilize the best available tools, techniques and personnel. . . ."[63]

The distinction between personnel serving the library needs of court of appeals and those serving district courts remains a very real problem for the federal court library system. The basic distinction is that courts of appeals have legislatively authorized librarians; district courts do not.

Consultation with senior personnel of the Administrative Office, however, reveals that the director of the Administrative Office does have the authority to create district court librarian positions. Indeed, 28 U.S.C. § 604(5) authorizes the director to "fix the compensation of clerks of court, deputies, librarians,

. . . and other employees of the courts whose compensation is not otherwise fixed by law. . . ." (emphasis supplied.)

The means thus exist to eliminate the personnel distinction. Whatever other distinctions might exist "should be abolished, and one coordinated research system should be established and operated to meet the needs of all personnel of the federal circuit and district courts."[64]

Duplication. "Multiple copies or sets of the same book or title account for the large number of books within the federal court system, the small number of titles in the system, the tremendous quantity of space occupied by these books, and the great cost of maintaining the books."[65]

It is important to appreciate the order of magnitude of the duplication and thereafter to consider the extent to which duplication may be appropriate within the federal judicial system.

The inventory created by the library study shows, as one example of duplication, that there are between 250 and 1,000 copies of twenty-seven of the titles owned by the federal courts.[66]

Of equal interest is the fact that "the less than 1,000 federal judges and full-time magistrates and [bankruptcy judges] make up less than 0.2 percent of the 410,000 lawyers in the country and have approximately 7 percent of all existing sets of Federal Reporter 2d and more than 8 percent of all of the sets of Federal Supplement being maintained up to date during the past year."[67]

The study thus confirms what was already known: duplication does exist. The more important question is, should it exist?

> One reason for having multiple copies of books or sets is that there are multiple judges, chambers, and buildings. So long as those three multiples exist, the first multiple--books--is a natural, and frequently justifiable, result. Decisions to establish judgeships usually are preceded by recognitions that there is work for those judges to do. Decisions that a judge is to work at a certain place should be preceded by recognition that judges need their tools wherever they are to work. Thus, it is natural to find books at most court locations, regardless of the frequency of their [the locations'] use.[68]

There are two major ways to decrease law book duplication: reduce the number of court or chambers locations, or, within multijudge locations, increase the use of shared facilities.

With respect to decreasing the number of court or chambers locations, there is a tradition in the Seventh Circuit that court of appeals judges will reside in Chicago (unified residency also exists in the District of Columbia Circuit); other circuits allow judges to maintain chambers in their hometowns and in the headquarters cities. The Seventh Circuit residency requirement, applied throughout the federal court system, would certainly reduce duplication of law book holdings. It must be pointed out, however, that there are countervailing considerations supporting multiple court and chamber locations, not the least important of which is the tradition of having judges geographically close to the people whose disputes they help resolve.

Regarding the use of shared facilities in multijudge locations, the library study shows that poor architectural planning of judges' facilities and the inconvenient location of libraries within those facilities are the primary reasons that extensive chambers collections are developed and central libraries are shunned.

Architectural design. The library study staff visited twenty-five federal court locations and studied

blueprints of several others, in an effort to learn about the architectural design of federal court facilities. The result of that effort is contained in supplemental report 7, Consideration for the Architectural Design of Federal Court Law Research Facilities. The supplemental report, according to the library study, is "the most thorough analysis of the design of court facilities that ever has been produced with more than cursory attention to the essential nature of law research as a part of judicial work."[69]

To assist in its architectural investigation, the study commissioned an architect to evaluate the courts' present situation. He concluded: "[T]here is no doubt that both the access to legal information and the space devoted to it within the federal court system waste enormous sums of money because of inefficient planning and design."[70]

Although the architectural review is thorough, compared to other efforts, the study states that the Federal Judicial Center should undertake an in-depth architectural study. The need for such a study is revealed by the following comments from the General Services Administration:

"Unfortunately this office does not have available standards for the design of court libraries."

"The General Services Administration presently has no specific criteria applicable to the U. S. Courts libraries."

"We would certainly appreciate new standards for the design and construction of Federal Court Library facilities."[71]

There is little doubt that duplication of holdings is at least partially a result of poor architectural planning. In the words of the study:

> Based upon the study's consideration of the architectural designs and arrangements of chambers and offices within the buildings studied, it is clear that the individual chambers and offices often are not large enough to accommodate a sufficient collection of books in an orderly arrangement, and the so-called "central" or "shared" libraries often have not been put where access to them is convenient for the various occupants of the building. Indeed, the main library often is on a different floor and quite a distance from the judges.[72]

Sensible architectural planning, on the other hand, does result in a willingness to use shared facilities and a consequent reduction of duplication. A letter from Chief Judge James H. Meredith, Judge Roy W. Harper, and Judge John K. Regan, all of the Eastern

District of Missouri, merits quotation at some length:

> Here the chambers of the three of us are immediately adjacent to a shared area in which we keep a collection of lawbooks. The offices of our law clerks also adjoin this shared area, and each judge and law clerk can reach the shared area without passing through any closed doors, hallways or public areas.
>
> Within our shared lawbook collection, we and our law clerks, a total of eight in all, are able to do our law research with a maximum of convenience and a mimimum of interruption. We have access here to far more different and valuable books than any one of us could or should expect to have in a chambers library maintained for the sole use of any one of us. To minimize interruption and maintain this shared area for the most convenient and comfortable use of ourselves and our law clerks, no "library" sign is posted on any of its doors, and we do not invite its use by private attorneys, litigants, or others.
>
> Based upon thirty-one years of use by Judge Harper and sixteen years of use by Judges Meredith and Regan each, we can say that this arrangement is convenient and satisfactory for us in the performance of our work as United States District Judges. If other courthouses were designed and built so that judges and their clerks would have convenient access to law book collections they could use in relative privacy, we believe that judges would find it highly desirable to share the same lawbooks, as we have done here. The result could be improved efficiency and greater economy.[73]

Insufficient coverage. Of all the serious problems revealed by the study, perhaps the one that should engender the most concern is the inadequacy of library materials to meet judges' needs. Without denying the

importance of problems with funding, administration, and duplication, for example, it is obviously crucial to the administration of justice itself that judges be afforded the reference materials needed in the process of judgment. The library study surveyed federal judges and other personnel in the federal judiciary to learn their needs and the problems they perceived. More than one-third of all court of appeals and district court judges, magistrates, bankruptcy judges, and federal public defenders responded to the survey, the results of which are published in supplemental report 4, Law Book and Law Research Problems Reported by Judges and Other Federal Court Officials.

After analyzing the reported problems, the study concluded that

> the greatest need of circuit and district judges is for more law reviews or legal periodicals. Thirty-five judges presented that problem. The next largest number of judges, thirty-two, expressed concern about general insufficiency of law libraries. Lack of legislative history materials was mentioned by sixteen judges, and the need for treatises, loose-leaf services, hornbooks, and other specialized works was mentioned by fourteen.[74]

Even the headquarters libraries of the circuits have relatively few legal periodicals.

> Based upon the 379 titles listed in the Index to Legal Periodicals as of May 19, 1976, plus thirty-six other titles possibly in court libraries, the circuit libraries' periodical holdings were inventoried by their respective librarians. Only 240 titles were found to be represented by as much as a single volume in the eleven circuit libraries and none of the libraries held even a single volume of 163 other law periodicals. . . .
>
> Of the 7,242 volumes that would be required for a library to have a complete set of the 240 periodicals now represented in the circuit libraries, the library having the most volumes had only 3,781 (52 percent), the library having the least had 853 (12 percent), and the average for the eleven circuit libraries was 1,929 (27 percent).[75]

Deficiencies are also apparent in the general library resources available to federal courts. That deficiency in the amount of information available to the federal courts has already been noted. Their 2.8 million volumes cover only 2,500 titles, fewer than one-third of the titles available to many state supreme courts.

Space. Another problem in the federal court libraries is the lack of shelving space for ever-increasing law book collections. The study obtained the statistics on total linear shelving space, filled shelving space, and vacant shelving space in the federal court library system. The results show that "the

combined shelving in 142 circuit judges' chambers is 86.19 percent full, while the combined shelving in 475 district judges' chambers is 84.37 percent full."[76]

Some federal court library facilities are bursting at the seams. The First Circuit librarian noted: "[W]e are now stacking books on the floor because of lack of room. If the process has to go on much longer it will be difficult to operate efficiently."[77]

The study thus concludes that "in the absence of advance planning to meet this need, several circuit libraries will, like the First Circuit library, exceed their shelving in the near future."[78]

Closely related to the problem of decreasing vacant shelf space is the frequently voiced complaint about the working environment in many federal court libraries.

> Many judges, law clerks, and librarians have complained about the discomfort of their buildings from a standpoint of heat, air conditioning, fresh air, humidity, and noise. These problems seem especially bad at night, during weekends, on holidays, and in the large buildings operated by the General Services Administration and occupied by numerous agencies other than the courts.[79]

One inevitable consequence of uncomfortable work-

ing environments in central libraries is increased demands for well-supplied chambers libraries and the concomitant increase in duplication of holdings. In the words of the study: "Most chambers of judges are far more comfortable and more pleasantly furnished and appointed than most central or shared court libraries. It is no wonder, therefore, that judges and their law clerks prefer to work in chambers. . . ."[80]

Technology and services. "[D]ue to inattention and ignorance, the law libraries of the country . . . limped along without . . . basic tools . . . when other library groups were beginning to speak of microfilms and computer possibilities."[81]

That observation could easily describe the lack of planning, developing, or testing of new techniques and services for the federal court library system. One might think that the federal judiciary would be at the vanguard of law librarianship, but that assumption would be quite wrong.

According to the study,

> [T]he Administrative Office has done very little by way of studying new techniques that the courts conceivably could use in connection with the publication and distribution of law research

> materials. This is illustrated by two questions submitted to the Administrative Office . . . at House subcommittee hearings relative to the appropriations for fiscal year 1978. . . . "How much will it cost if the Congress requires that you publish the Court's slip opinions using computer generated photo-composition techniques? . . . Have you determined the saving, or loss, to the Federal government if the Federal court system had its own, official, reporting system? If not, why not? If you have, what were the results?"[82]

The answers of the Administrative Office were simply not responsive.[83] In fairness, it should be pointed out that research and development is the assigned task of the Federal Judicial Center. The present library study report, the recently completed study on computer-assisted legal research, and a current experiment with computer word-processing equipment in the Third Circuit may appropriately be viewed as first steps, with further studies responsive to the questions raised at the subcommittee hearings receiving due attention in future efforts.

The absence of ongoing law library research and development to assist the federal courts in the creation of a modern legal information system is symptomatic of the absence of professional law library management expertise at the administrative level.

The clear implication of the congressional question about computer-generated photocomposition printing techniques is that one day, court opinions could be typed on computer terminals and made instantaneously available to the federal judiciary, the public, and, with a suitable reimbursement for government services, to private publishing and legal research services companies. It is not too much to suggest that the possibilities for new technologies and services in the federal court library system are truly exciting. With professional leadership at the national level provided by a new federal court library director, many of these developments undoubtedly will come to pass.

The study reveals several technological applications and new services that are immediately attainable. Microfiche and microfilm collections and equipment could help solve the space problem in the federal court libraries. Facsimile transceivers could broaden the range of titles available to many federal judges.[84] Providing an index of court of appeals slip opinions would shorten the accessibility gap currently caused by the three-month delay between issuance of opinions and their appearance in the advance sheets to Federal

Reporter 2d. Such a centrally created index would also reduce the tremendous duplication of effort manifested by the multiple indexes that personnel throughout the federal court system continuously create.

Conclusion

The major personnel, budgeting, procurement, and record-keeping weaknesses in the federal court library system create disruptions in federal courts' ability to find applicable law with efficiency and a minimum of wasted effort. These major weaknesses are the primary causes of the current law book and law library problems facing the federal courts. The artificial distinction between court of appeals and district court libraries might never have arisen with professional national leadership at the administrative level. Intelligent architectural planning would have minimized the felt need to increase duplicative chambers collections. Local budgeting would have enabled circuit librarians to plan the growth of their collections, rather than competing with one another for their share of the national allocation. Professional leadership at the national level would have improved the procurement and

inventory control systems decades ago and would have provided an efficient and rapid method of obtaining technology, services, and law books needed and requested by federal judges.

The number of weaknesses can be reduced, the problems solved. Drawing on the information and ideas provided by the library study, the wisdom and perspective of the advisory committee, and the insight of the Administrative Office, the Center has drafted specific recommendations for change, which constitute part two of this report.

PART TWO: RECOMMENDATIONS FOR CHANGE

Introduction

The project director of the library study proposed specific recommendations for improving the federal court library system. His major recommendation was a "Judicial Law Resource Center" that would operate as a new, separate agency witnin the judicial branch of government, effectively relieving the Administrative Office of its responsibility for law book procurement and management.

The project director suggested a pilot program that would operate such a center in the Research Triangle, North Carolina. Its initial purpose would be to provide centralized legal research and reference services for federal judges. The agency ultimately resulting from the pilot program would be created by appropriate federal legislation and funding. Its executive head would report directly to the Judicial Conference, and would be on an equal basis with the directors of the Administrative Office and the Center, and the librarian of the Library of Congress.

In our view, establishing another federal agency is not necessary for the solution of the problems detailed in this report. We are convinced that most of the problems existing in the federal court library system can be solved by the adoption of good management principles and their application to law book and library management. This simpler, more efficient approach is consistent with the present congressionally created pattern for the administration of the federal courts and is likely to prove more effective as well as economical.

Creating yet another federal agency would not comport with the President's goal of reducing the number of bureaus, agencies, and departments in the federal bureaucracy. Although providing the necessary law books and legal research tools to members of the judiciary is indeed indispensable to the federal judicial process, singling out law book management and procurement as a function worthy of treatment by a separate, independent agency strikes us as an overreaction to the problems confronting the federal court library system.

For these reasons, we reject the project director's major recommendation concerning the establishment

of the "Judicial Law Resource Center." Instead, we feel that most, if not all, law library and law book problems besetting the federal courts can be solved more economically by adopting the simpler recommendations proposed in the following sections.

The recommendations concern five problem areas identified in part one of this report: (1) law book management at the national and circuit levels, (2) law book budgeting and procurement, (3) library personnel at the circuit and district levels, (4) federal court library use and facilities, and (5) national federal court library policy and future planning. These recommendations represent a systematic, integrated, practical program that we hope will effect without delay the necessary improvements of the federal court library system.

Management Recommendations

1. Library director. That the Administrative Office establish the position of director of federal court libraries to oversee the administration of the federal court libraries, and, more broadly, other legal research services, and that

the Administrative Office fill that position with a professional who has demonstrated leadership and experience.

The library study documents the need to establish, within the Administrative Office, professional law librarian expertise for the efficient management of the federal court's 2.8 million volumes of law books. Paraphrasing the comments of many circuit librarians, the study declared: "[T]he lack of knowledgeable librarytrained personnel in the procurement branch limits that branch's ability to assess accurately the needs of libraries and the chance of developing a comprehensive program of library development. . . ."[85]

The project director, arguing for a separate agency to manage the federal court library system,[86] concludes that the Administrative Office could not succeed in obtaining the services of an adequately qualified professional librarian because of the absence of a "law research environment" in the Administrative Office.[87] We reject that view. The least disruptive route toward solving the problems documented by the study is the Administrative Office's employment of a library director to oversee the entire federal court library system.

We are not unmindful of the "environmental" problems of recruiting and the need for an appropriate title, one that reflects the responsibilities of the office and that may serve to suggest the potential for service to the entire federal judicial system. We believe, however, that a professionally attractive environment can be created. In order for such a professional to create the proper environment, gain the necessary degree of authority, and hire the necessary personnel, the director of federal court libraries, while operating within the Administrative Office, may well have to be given an appropriate degree of autonomy, probably outside of existing Administrative Office divisions.

If, in the words of Judge Sneed, "the solution is people," professional law library managers in the Administrative Office could remedy many of the problems outlined in this report. Armed with the library study, its appendixes, and its supplemental reports, the new library director could immediately begin to implement whatever recommendations are adopted by the Judicial Conference, and attempt to realize many, perhaps all, of the goals detailed in this report and the library study material.[88]

2. Circuit librarians. That the circuit librarian in each circuit be charged with the responsibility to propose a circuit-wide library budget to the circuit executive, to inventory all law books in the circuit, and to make periodic reports to the federal court library director.

A deficiency in law library management has been evidenced not only on the national level, but on the local level as well. Circuit librarians necessarily have been restricted in the activities they can perform to serve the legal research needs of courts within each circuit. Centralized procurement and a national library budget, which is not reallocated on a circuit basis, have prevented circuit librarians from assuming the leadership role they should play.

The circuit librarian will have a significant place in the law book management system proposed in these recommendations. He will assist the circuit executive in library budgeting,[89] assist with the purchase of those books--ordered for court of appeals or district court judges--that are within the circuit library budget,[90] maintain control of the circuit library

budget,[91] and help district court librarians serve the needs of district judges.

To assure that the circuit librarians have the authority to accomplish these tasks, it would be desirable for the judicial council of each circuit to promulgate the necessary orders pursuant to 28 U.S.C. § 332. Accordingly, we recommend that the Judicial Conference refer this matter to the several circuit councils, suggesting appropriate action.

3. Law book inventory. That the Administrative Office establish and maintain a computerized inventory of all federal court library holdings, which would indicate cost, location, and supplementation of each book owned by the federal courts, and would serve the management information needs of the Administrative Office.

The current record-keeping and cataloging system used by the Administrative Office to keep track of federal court law books is inadequate. The 250,000 to 300,000 index cards, filed on a per-judge basis, yield no system showing a breakdown by subject, author, or title of law books held by the federal courts.[92] The

cards do not show the cost of the books, whether the books have been kept up to date, the number of volumes in each multivolume set, or the exact physical location of the books.[93]

When the library study staff discovered the lack of adequate inventory records, it created its own computer inventory of federal court law book holdings, using information obtained from an overwhelming majority of federal judges, federal court personnel, and law book publishers.[94]

The computer tapes storing this information have been made available to the Administrative Office, which might well use them as a starting point to develop a computerized inventory of federal court law books. Once developed, this inventory should be maintained by the Administrative Office so that the existence and location of any given law book owned by the federal courts can be ascertained.

Other than providing necessary management information, one of the important functions of the computerized law book inventory is its use as a "union catalog." By making copies of the inventory available to circuit librarians, the Administrative Office can assure the maximum opportunity for law book through

interlibrary loans, thus increasing the materials available to each judge and promoting wise use of scarce resources. This could be particularly helpful with certain treatises and legal periodicals. Another important use of the computerized inventory is ascertaining the location of unused or underused law books for transfer, with the assent of the custodian court, to those locations demonstrating a greater need.[95]

Budgeting and Procurement Recommendations

4. National library budget. That law books and other expenses directly attributable to maintenance and support of federal court library holdings receive a definite amount of funding, specified in the Administrative Office budget.

5. Circuit library budgets. That the Administrative Office, after considering each circuit's proposed library budget, allocate, for each circuit, funds for library maintenance, acquisitions, and other expenses directly attributable to the library holdings of each court in each circuit.

The Administrative Office currently obligates part of the "Travel and Miscellaneous Expense" line item, plus parts of nine other line items, to procure law books.[96] Although this practice may provide some desirable flexibility, there is considerable evidence that numerous problems are caused by the failure to budget a definite amount for law books. Many circuit librarians, for example, complain about law book discontinuations that are due to the premature exhaustion of law book funds in a fiscal year.

Because there is no national law book budget, there can be no circuit allocations or other local divisions of appropriated funds, either. The Administrative Office does not allocate definite sums to each circuit, court, or judge for law book and related expenses. Nor does the Administrative Office keep records of sums expended by each circuit, court, or judge for law book needs. Instead, the Administrative Office exercises its own discretion in dividing national appropriations--first, for law books in general, and then, as purchase orders are processed, for each circuit, court, or judge.

This system of budgeting encourages circuit librarians and other judicial personnel to order early in the fiscal year, for they know that sums are not allocated on a circuit basis. The system discourages planning for the growth of law book collections, since librarians and judges do not know how much they spent the previous year and how much they may spend during the current year. Because the librarians and judges for whom the law books are purchased do not know how much they have spent or can spend, the Administrative Office receives very little, if any, advice from librarians or judges about what ought to be spent on federal court libraries and other law book collections.

The need, then, for a definite amount of law book appropriations seems manifest. The responsibility for establishing the amount needed should perhaps rest with the new director of federal court libraries. To calculate a national law book budget, the new director should solicit, receive, and consider budgets proposed by each circuit librarian (in collaboration with district court librarians or district judges not served by district court librarians) and approved by the circuit executive. Once a national appropriation is estab-

lished, it should be divided among the circuits according to each circuit's demonstrated needs and number of judicial officials.[97]

6. Local discretionary funds. That each federal judge have available a relatively small but definite amount of local discretionary funds to purchase, directly from vendors, law books for official use. The Administrative Office should provide for such local discretionary funds within each circuit's library budget.

Procurement delay, described in part one of this report and particularly treated in recommendation 7 below, is partially a function of the current law book budget system. That system does not provide any discretionary funds enabling federal judges to purchase, directly from vendors, law books they need immediately. Members of the advisory committee and other federal court personnel strongly believe that providing for discretionary funds in the budgeting system would solve one of the many problems in the procurement system.

Procurement delay, whatever its cause, understandably bothers federal judges. When they want a particu-

lar book, they want to receive it promptly. To help minimize procurement delay, the Administrative Office should establish, for each federal judge, an annual discretionary fund for the purchase of law books. Total "judge funds" within each circuit would constitute part of the circuit law book budget that was proposed in recommendation 5. Perhaps ordering and paperwork should be channeled through the circuit librarian, who would purchase any law books ordered by any federal judge, as long as the cost was within the balance of the judge's annual fund.

> 7. Procurement. That the Administrative Office develop an efficient procurement procedure that minimizes delay, assures continuation of needed services and supplements, and assures awareness of forthcoming publications of interest to the federal courts.

There is significant delay in the federal court law book procurement procedure. The average time lag between the Administrative Office's receipt of a law book requisition and its issuance of a purchase order was almost forty days in 1976.[98] Issuance of a pur-

chase order is only a preliminary step in the procurement process; a substantial amount of additional time elapses before the judge actually receives the book. One of the major causes of procurement delay is the centralized nature of current Administrative Office procedure. To order a law book, a judge or librarian must fill out and forward form 200 to the Administrative Office. When the purchase is approved, the Administrative Office orders the book from the publisher, who ships it directly to the court. The court certifies the vouchers and forwards them to the Administrative Office for payment.[99] Thus, to reach four or five major law book suppliers, most of whom have a readily available national network of salesmen, thousands of orders from hundreds of court officials across the country must crowd through a single office in Washington staffed by no more than six people, two of whom are clerk/typists.[100]

There are two ways to reduce or alleviate this procurement delay. First, the Administrative Office could employ more personnel to process purchase orders. Indeed, the first task of the new director of federal court libraries should be to recruit personnel, trained in law library acquisitions, who can respond

efficiently to federal judges' law book requests.

A second, perhaps more thorough, solution is the partial decentralization of the book-ordering phase of procurement: the development of a system that allows circuit librarians to order new books for all courts within each circuit, when the costs of those law books do not exceed the circuit's library budget.[101] The circuit librarians would deal directly with vendors, avoiding the Washington bottleneck and its concomitant delay, and, upon receipt of the ordered book, would simply forward a certified bill to the Administrative Office for centralized payment.

Decentralized law book ordering would be restricted to new volumes. Continuations and supplements, on the other hand, would still be ordered automatically by the Administrative Office. Because new volumes account for only 15 percent of total law book expenditures,[102] while continuations and supplements account for 85 percent, a partially decentralized procurement procedure would not jeopardize any advantages of mass purchasing.

Whether the Administrative Office reforms the current centralized procurement procedure or adopts a partially decentralized system, considerable change is needed to assure that law book continuations and sup-

plements are automatically renewed. The discontinuance and delay of upkeep services do cause trouble.[103] As mentioned in part one of this report, most law book purchasers can enter standing orders for law book upkeep features. The Administrative Office, concerned with technical requirements of federal procurement that apparently preclude standing orders, has recently developed techniques that it hopes will provide the same continuity of service assured by standing orders. If the Administrative Office finds that prevention of discontinuance and delay is impossible without changes in the procurement laws, however, it should seek the necessary statutory exemptions.

Another procurement problem is that under current procedure, there are no attempts to anticipate developments in legal publishing that may be of interest--or even vital--to the federal courts. With so small a staff in the procurement branch, not one of whom is a professional librarian, the Administrative Office could hardly be expected to stay abreast of trends and new services in the legal publishing industry. If the first recommendation of this report is adopted and a new director of federal court libraries is appointed,

the federal courts could expect the director to establish liaisons with the legal research industry that are necessary to remain informed of new law book publications and other legal research services developments.

Finally, according to the project director, the federal courts may not be enjoying advantages that should accrue to mass purchasers. The project director writes, "experienced purchasers negotiating independently often can buy even single items at lower unit prices than the Federal Supply Schedule shows for even large-quantity purchasers."[104] If indeed the Schedule does not reflect the lowest prices obtainable, the Administrative Office should exercise its purchasing leverage and actively participate with the General Services Administration to negotiate favorable law book prices.

Personnel Recommendations

8. Circuit librarian grade. That the court of appeals librarian position be upgraded and that the circuit librarians' salaries be fixed at a level commensurate with their background, experience, and responsibilities.

The project director reached the conclusion that the federal court law libraries are understaffed. He recommended that each circuit library have at least three professional positions and that most district court libraries have at least two professional positions.[105] In supplemental report 10, Personnel for Law Research Facilities of the United States Courts, the project director proposes the following positions and describes in detail the duties of each: circuit director of law research, circuit law research specialist, circuit law librarian, district law materials specialist, district law research specialist, and district librarian.

It seems clear that the federal court libraries are understaffed in many cases, and that on the district level particularly, they are staffed inadequately, with nonprofessionals.[106] However, it is doubtful that two or three tiers of professionals are required to solve existing problems. Rather, the long-overdue upgrading of the circuit librarian position, coupled with the appointment of whatever assistants are deemed necessary by each court of appeals,[107] can be expected to alleviate circuit library personnel problems.

The circuit librarian's duties and responsibilities would be expanded under the federal court library system proposed in these recommendations, and would be roughly comparable to those of the project director's "circuit director of law research."[108] The expanded role of the circuit librarian should warrant position upgrading to a level commensurate with each librarian's background, experience, and responsibilities.

The librarians currently serving the courts of appeals display a high level of competence and a wide diversity of educational backgrounds.[109] For this reason, we do not believe that any minimum number or type of advanced degrees should be required of circuit librarians. However, to assure that highly competent poeple continue to serve in these important positions, the new director of federal court libr ries may want to suggest educational or work experience credentials that courts of appeals may wish to use in making future appointments.

9. Librarians for central libraries. That the Administrative Office establish the position of librarian for district court libraries and for

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central libraries in the federal judiciary.

That in those district courts not requiring the services of a central library, the chief judge of the district consider appointing an appropriate person to take responsibility for all law books within the district.

On the district court level, there is an immediate need for the employment of district court librarians to staff most or all of the forty-seven district court "central libraries" in the federal court system.[110] Most of the personnel currently staffing district court libraries are deputy clerks, judges' law clerks, or others untrained in professional library science.[111]

The Administrative Office has suggested considering the appointment of full-time librarians as deputy clerks.[112] However, the larger district court central libraries should be staffed with professional librarians who answer to the chief judge of the district. This can be accomplished either by seeking legislative authorization for district court librarians, similar to the legislation creating the circuit librarian positions, or by the exercise of the Administrative Office

director's authority to "[f]ix the compensation of clerks of court, deputies, librarians, . . . and other employees of the courts whose compensation is not otherwise fixed by law. . . ."[113]

It may be that each of the current central libraries should be authorized a professional librarian who would be appointed by the chief judge of the district court. The library study developed a classification system that could be used to determine which district courts should receive the services of professionally staffed central libraries.[114] The criteria used by the library study should be helpful to the Administrative Office in establishing standards for the creation of district court central libraries and for district court librarians.

To assure a high level of competence among the newly appointed district court librarians, the Administrative Office should establish suggested qualifications to guide the appointments made by the chief judges.

Most district courts do not need the services of a professional librarian. The library study suggested that each district court not requiring a professional

librarian appoint a "district law materials specialist" who "would relieve judges' secretaries and law clerks of the tedious work of inserting pocket parts and loose-leaf pages, thereby enabling the secretaries and clerks to devote full time to their primary duties."[115] Concentrating law book duties in one person may produce some efficiencies, and the chief judges of those districts may want to institute such a procedure on a trial basis.

10. Librarian training and education. To develop and maintain a high level of expertise, all federal court librarians should be encouraged to participate in professional training activities; and the Federal Judicial Center, with the assistance of the new director of federal court libraries, should develop appropriate continuing education programs for federal court librarians.

In a supplemental report on library personnel, the library study concluded that "continuing education and professional development should be both encouraged and supported."[116] We agree that the professional development of circuit librarians and district librarians,

through participation in such organizations as the American Association of Law Libraries and the Federal Librarians Association, is essential to assure the highest level of expertise in serving the law book and legal research needs of federal judges.[117]

Consequently, the Administrative Office should develop criteria to guide government support of circuit and district librarians' professional development activities. Additionally, federal court librarians and other personnel who tend federal court law books should be encouraged to participate in the Center's specialized training program, which offers tuition assistance for any job-related seminar or training program.

Library Use and Facilities Recommendations

11. Artificial distinction. That the artificial distinction that exists between the circuit and district courts regarding the establishment, maintenance, and staffing of central libraries be eliminated.

The Judicial Conference, in its report of March, 1975, asked the Center to investigate eliminating the

artificial distinction between the libraries of courts of appeals and those of district courts. The library study commissioned by the Center has established the lack of a defensible rationale for any such distinction, and notes that the distinctions are more "unjustifiable" than "artificial."

It might be more appropriate to view the lack of establishment of central libraries serving both circuit and district judges as a systemic flaw resulting from the way the federal judiciary has expanded over the years.

Earlier in our history, when there were fewer federal judges, separated by great distances, and the bulk of reported cases was a fraction of what it is today, it made sense to attempt to establish an adequate legal research facility within each judge's chambers. But the number of federal judges has multiplied, the mass of legal research material has expanded, the cost of law books and space to store them has soared, and the methods of legal research continue to evolve.

The study documents the need for central library services for many district judges.[118] In fact, forty-seven districts have felt compelled to establish some

type of central library.[119] These random efforts to establish district court libraries without adequate personnel are often characterized by misuse of the time and talent of secretaries, law clerks, and deputy court clerks.

The new library director should review the existing central libraries to determine standard conditions that should exist before future central libraries are created and professionally staffed. The study suggested some criteria that the library director might find helpful,[120] and it emphasized that the standards must include the preferences and suggestions of judges in those courts that might not otherwise meet the qualifications. If the established criteria are currently met by some courts not having a central library, the Administrative Office should provide such a library and professional staff at the earliest possible time.

12. Satellite libraries. That experimentation with satellite libraries, which in effect are central libraries, continue and be extended to other parts of the country so that ultimately, central library services will be made available wherever they are justified.

In March, 1975, the Judicial Conference approved the recommendation of the Court Administration Committee for a pilot project establishing satellite libraries in the Third Circuit.

Three satellite libraries resulted, one each at Wilmington, Newark, and Pittsburgh. As the Third Circuit's report of July, 1977, points out:

> The concept of "Satellite Circuit Libraries" is to provide adequate centralized legal library research facilities for United States circuit and district judges and courts in those locations where it is economically feasible to do so. The concept includes the objectives of improved services (for case-related judicial efforts) and economy.[121]

Implicit in the stated goal of the satellite library experiment--establishing central library facilities where it is economically feasible to do so--is the reduction of duplication through the increased use of shared central libraries. Although the staff of the library study reported that "most of the judges [participating in the satellite experiment] have as many books in their respective chambers as . . . the . . . judges in other locations throughout the country where no central libraries exist,"[122] conversations with

officials in the Third Circuit reveal that judges are turning over many of their chambers' volumes to the central facilities.

This reduction of duplicative holdings and increased use of shared facilities demonstrates the soundness and success of the satellite experiment.[123] Of equal importance is the fact that the satellite program

> has placed a trained librarian in three buildings of the circuit, each building having a circuit judge among its occupants. These trained librarians now maintain collections that still are relatively small, being no more than two to three times the size of the average single judge's collection, and being a fraction of all of the books in their respective buildings. Yet, they do provide expertise in obtaining needed books and materials from other libraries and in providing services that otherwise would not be available to the judges and their clerks.[124]

The satellite library experiment represents an official, organized effort by the judiciary to extend professional library resources and services beyond those available centrally at the circuit level. It appears that the proposed program for staffing central libraries and creating additional central services wherever there are sufficient concentrations of federal

judges will benefit greatly from the Third Circuit satellite program.

Because of the success of the Third Circuit program, experimentation with satellite or central library services should be extended to other parts of the country in order to reduce duplication through the increased use of shared facilities and to provide professional librarian services wherever it is economical to do so.

13. Minimum federal court library holdings. That the Administrative Office furnish court of appeals and district court central libraries with at least the legal research material that is necessary to insure compatibility with those minimum standards that the Judicial Conference approves.

Though each federal circuit presently has a circuit library in the headquarters city, there is a disparity in the size and breadth of coverage of the circuit collections. The largest collection, in the Sixth Circuit, contains 40,500 books; the smallest, in the Tenth Circuit, includes slightly more than 20,000 books. The forty-seven central libraries primarily

serving district judges have collections averaging 4,200 books each.

Although complete standardization of holdings is neither necessary nor desirable, each central circuit library should maintain certain obviously indispensable works constituting a minimum holdings list. Central libraries should be upgraded to comport with a minimum holdings list adopted by the Judicial Conference. The library study, in appendix P, suggests a minimum holdings list. The list represents a moderate expansion of the list of recommended holdings developed several years ago by the Judicial Conference.

Intelligent, controlled growth of a particular collection beyond the minimum holdings should be directed by the circuit librarian, subject to the needs and preferences of the judges, the central library librarians, and budgetary constraints. Circuit-level budgeting and procurement of acquisitions should facilitate planned, rational expansion of the holdings within each circuit.[125] Discretionary purchases should add immediately needed services to the district and circuit collections.[126]

14. Individual collections. That the Administrative Office establish and maintain a chambers library for each court of appeals judge, district judge, magistrate, and bankruptcy judge at each individual's official duty station. Such collections should contain, for each category of judicial officer, at least the minimum holdings that the Judicial Conference approves.

"The principal problem with the chambers libraries of circuit and district judges is that too much has been invested in volumes of court reports relative to what has been invested in 'finding tools' such as indexes, digests, treatises, and various specialized services."[127] Efficient use of the limited space available in chambers can be achieved by relocating unneeded or rarely used books from chambers to central libraries or other storage space. For example, the study, with the assistance of computer records provided by Shepard's Citations, Inc., established these rather interesting statistics:[128]

1. Volumes 251-422 (1919-1976) of United States Reports will provide 90 percent of the United States Supreme Court cases cited by all federal courts from 1971 through 1976.

2. Volumes 226-525 (1956-1976) of Federal Reporter 2d will provide 90 percent of the court of appeals cases cited by all federal courts from 1971 through 1976.

3. Volumes 176-403 (1959-1976) of Federal Supplement will provide 90 percent of the lower federal court cases cited by all federal courts from 1971 through 1976.

4. Volumes 21-68 (1958-1976) of Federal Rules Decisions will provide 90 percent of the F.R.D. cases cited by all federal courts from 1971 through 1976.

If, in their discretion, judges limited their chambers collections to the volumes listed above and transferred the nearly 1,000 volumes used only 10 percent of the time to central libraries, considerable chambers shelf space for more finding aids would be made available. Those volumes needed 10 percent of the time would of course be available on request.

The library study proposes minimum holdings for individuals' collections. Two points concerning the study's suggested minimum lists should be made. First, according to the study, "no official should be required to give up any book he now has and desires to keep, and no official should be denied access to any book he does not have and feels that he needs."[129] Second,

> [a]s to books and services on the respective "minimum collection" lists, it should be noted that the lists all apply to situations where the particular official has convenient access to a substantial library elsewhere in the same building. That has been done to encourage the use of central, shared libraries. If a building is occupied by but one official, that official should have both the minimum collection recommended "for chambers" and that recommended for "every building," except in instances where duplication would result."[130]

Appendix P of the library study suggests guidelines for minimum holdings for the chambers libraries of court of appeals and district court judges. Adoption of these guidelines would broaden the range of research materials readily available at present.

Due to the expanding role of United States magistrates, the study also suggested guidelines for minimum

law book holdings for their offices. Although the holdings recommended are not as great as those for judges, they do exceed what is now available to magistrates. The study, in appendix P, also recommends minimum holdings for bankruptcy judges and clerks of court.

The study concluded "that because of the adversary and nonjudicial nature of the activities of federal public defenders, these attorneys' primary law research facilities needs should not be met by the system of law research facilities that is maintained primarily for the use of judges and other court personnel."[131]

The Administrative Office has pointed out, however, that legislation requires it to provide necessary resources to the federal public defenders. Consequently, the new library director should either establish appropriate standards for minimum holdings in the offices of public defenders or investigate the desirability of seeking legislative changes to shift administrative responsibilities for federal public defenders to the executive branch.

15. Surplus holdings. That the Administrative Office create an ongoing system of withdrawing those law books having no research or other value to a given court, so that they may be redistributed to another court or office, stored in a central warehouse, sold, or otherwise appropriately disposed of.

The library study estimates that officials in the federal judiciary have at least 30,000 law books that they do not use and would prefer not to have. These unwanted law books create an array of problems: storage; use of scarce shelving space; deterioration, which accompanies storage for extended periods of time; and safety when, for want of another solution, books are stacked on the floors.[132]

As legal information continues to proliferate, the need for an ongoing withdrawal process becomes more and more acute. As Professor Morris Cohen, librarian at the Harvard Law School, once remarked: "[T]he materials of our law seem to be marked by an accelerating birth rate, an almost non-existent mortality rate, and a serious resistance to contraception on the part of

both judges and legislators."[133] Thus, "[a] 'weeding-out' of unneeded books can help to reduce the space requirements for law research facilities, because, . . . 'there is no merit in numbers, and books that are never used are a liability rather than an asset.'"[134]

The library study suggested that one solution to the

> problem of increasing amounts of relevant information and the cost of space to maintain that information for use of the courts is to select with care the material that is used with the frequency that justifies its availability in book form, and then use modern technology to store the other materials economically, yet [make sure they are] available for fast and convenient retrieval and use.[135]

The new library director should develop an ongoing process of "deaccessioning"--the term of art in the law library field. Such a system would respond to requests from court officials to relieve them of books they neither want nor use. The system would include retrieval of all unwanted books, which could be stored, sold, donated, or destroyed. It would provide court officials with frequent notices of all unwanted books that are available for transfer to a location where they might be useful. The most frequently recurring

unwanted titles would be reviewed, providing valuable insights for future procurement policy.

16. Architectural standards. That the Administrative Office establish a formal, continuing liaison with the General Services Administration to provide architectural guidance consistent with intelligent provisions for and use of space for legal research materials.

There is little doubt that a principal, if not the primary, cause of law book duplication in the federal courts is the traditional architectural approach that designates each judge's work space as a separate, self-contained, non-resource-sharing unit.

"Unfortunately," the study declares, "past mistakes apparently have made no contribution to future improvement, as is illustrated by the federal courthouse recently completed in Baltimore, Maryland, and the one under construction in Atlanta, Georgia."[136]

Describing the new building in Baltimore, the Chief Judge of the District of Maryland said:

While it was hoped that additional space for

> expansion would be provided in the new building, such is not the case. There is no space available on any of the court floors--third, fifth, seventh, and ninth floors--for implementation of the shared use concept of law research facilities. All of the judges in this District continue to depend upon their own chambers libraries for basic material required and share the central court library for those Services which are not used on a daily basis.
>
> The central library is now located on the eighth floor of the building, otherwise totally occupied by the United States Attorney's Office. While this is certainly not the ideal location for utilization by the judges, we can manage because our chambers libraries continue to contain at least the minimum Services which we need on a day-to-day basis. Moreover, the central library contains an index of all books and pamphlets in specialized areas which are in any of the judges' chambers, so that they may be available to everyone.
>
> So long as there is no change in policy as to maintenance of our individual chambers libraries, I see no reason why we cannot cope with inconveniences arising from utilizing them for the day-to-day needs, in conjunction with the central library facilities.[137]

The study then describes the new federal courthouse in Atlanta:

> Presently under construction in Atlanta is the Richard B. Russell Building. Judges' suites are planned for the seventeenth, nineteenth, twenty-first, and twenty-third floors, and the "central library" is planned for the twenty-third floor. Rather than placing all of the judges on a minimum of floors, the plan provides for only four judges on each floor, and their respective chambers range from 100 feet to 130 feet apart, too far in any

case for convenient sharing of books among any of the judges.[138]

Recalling the words of Chief Judge Meredith should erase any doubt regarding the causal relationship between poor architectural design and duplication of holdings. Describing the shared library facility of three judges in the Eastern District of Missouri, a blueprint of which is reproduced in the library study,[139] the chief judge said: "We have access here to far more different and valuable books than any one of us could or should expect to have in a chambers library maintained for the sole use of any one of us."[140]

By consulting with the American Institute of Architects and other organizations studying courthouse design, and by obtaining the viewpoints of court librarians, circuit executives, law clerks, and the judges themselves, the new library director could develop some definitive standards of architectural design that could profitably be made available to the General Services Administration. Though not an exhaustive treatment of the problem, supplemental report 7, Considerations for the Architectural Design of Federal Court Law Research Facilities, is recommended as a

starting point to prevent continued flawed designs and lack of planning.

Improved architectural planning is perhaps second in importance only to obtaining professional law library expertise at the administrative level, for, according to the study: "Examples of poor architectural planning and design within the federal court system are legion. The results include multiple sets of books to an unnecessary degree, inconvenience, underutilization of central libraries, wasteful inefficiencies, and excessive expense for essential law books."[141]

17. Duplication of holdings. That the Administrative Office establish an ongoing program to eliminate unnecessary duplication of holdings in the interest of realizing savings in cost and space.

Duplication of holdings per se is not inefficient or undesirable. The very nature of the federal court system, which calls for hearings in multiple locations, makes some duplication unavoidable.

Much of the existing duplication in the federal court system, however, can and should be eliminated

and, in the future, avoided. Shared central libraries show great savings of space, maintenance and supplementation cost, and time of personnel who tend the collections.

More dramatic savings can be obtained by the use of shared chambers libraries. The experience of Chief Judge Meredith attests to the workability of three judges sharing their chambers collections. Reducing multiple copies of reporters, encyclopedias, law reviews, loose-leaf services, and the many other law books requiring annual supplementation or continuation will release enormous sums of money that can profitably be spent on acquiring a collection with greater depth and breadth of coverage.

Change is difficult for any organization. It is particularly difficult in the federal judiciary. Many judges will not want to share chambers collections or even share central libraries. The library study realistically adopted the philosophy that "no official should be required to give up any book he now has and desires to keep."[142]

Those who do want to change, however, should be provided the means, and even the motivation, to do so.

The Administrative Office, armed with a management information system provided by the computerized inventory, will have the ability to calculate the cost-effectiveness of any two or three or four judges' pooling their chambers collections and developing shared facilities patterned after Chief Judge Meredith's legal research system. The present value of decreased supplementation and continuation costs will, in many instances, pay for the costs of architectural renovations. The additional savings realized should be offered to those judges participating in the arrangement to purchase a variety of new law books--law books that, in the words of Chief Judge Meredith, they "could not expect to hve in a chambers library maintained for [their] sole use."

Though change is difficult and slow for existing members of an organization, it is easier to accomplish with future members of the organization. The Judicial Conference could promulgate standards for future federal judges, requiring the establishment of shared chambers collections for as many as three or four judges. Existing separate chambers collections are a result of the historical development of the federal

court system, a system that evolved with individual judges occupying individual courthouses. In the twentieth century, when Foley Square in New York has more than twenty-five federal judges in one building, the need for shared law book collections becomes manifest.

If the system fails to adjust and plan for inevitably different conditions, a future Judicial Conference, perhaps twenty-five years from now, will commission another study designed to avoid duplication of holdings in the federal court library system.

Policy and Future Planning Recommendations

18. Standing subcommittee. That the Judicial Conference of the United States consider appointing a subcommittee of a Judicial Conference standing committee to oversee the operation of the federal court library system.

The federal courts own the world's largest inventory of law books within one administrative system. Its estimated value is $80 million. Its annual operation cost is approximately $9 million. Its problems are many.

Most of the weaknesses found to exist in this system of law libraries evolved over time through a lack of long-range planning. Designs of federal courthouses, the system of keeping track of the federal courts' law books, the method of procuring law books and budgeting for those books, and many other facets of the "system" that provides federal judges with the means of finding the law, have remained relatively fixed and static in a world that has witnessed revolutionary change in library science. Thus, when the federal judiciary should have been setting the example in law library development and experimenting with the developing techniques of legal research and law library management, it was instead coping with its outmoded methods and administrative structure.

The Judicial Conference should consider appointing a subcommittee of a standing committee in order to raise the administration of an integrated system of federal court libraries to the proper level of importance, oversight, and future planning. Not only the vast outlay of public funds, but also the inherent, important connection between the prompt delivery of justice and judicial officials' ready access to legal research material justify this recommendation.

19. Continuing program. That the Administrative Office and the Federal Judicial Center cooperate in an ongoing program to monitor and assist the development, test the utility, and recommend the implementation of new technology and services in the legal research field.

If the best legal research tools are to be made available to the judiciary to aid in quality adjudication free from unnecessary delay, a continuing program must be encouraged to promote, develop, test, recommend, and implement, where economically feasible, innovations in legal research.

Such a program should combine the energies of both the Administrative Office's library director and the Center, and it should receive the guidance of the proposed subcommittee on federal court libraries. Past success in the experimentation with computer-assisted legal research technology and current experimentation with computer word-processing equipment in the Third Circuit have evidenced the merit of this interagency cooperation.

The library study has offered several proposals for improving some existing legal research services, while contemplating the creation of some heretofore untried ones.[143] Those proposals, along with suggestions generated by the Administrative Office, the Center, the proposed Judicial Conference subcommittee, and private industry, should provide no shortage of subject matter worthy of review.

Conclusion

This report has sought to extract from the library study the major problem areas in the federal court library system that merit immediate attention, and to propose solutions, in the form of specific recommendations, to those problems.

Every effort has been made to draft workable recommendations only on the most important problems described in this report and the library study material. While we believe that each of the above recommendations should be adopted, there are a few that, in our view, represent the cornerstone of an efficient legal research system serving the federal judiciary.

Organizations, systems, administrative structures, or methods of operation can exist by themselves conceptually, but in the workaday world, they do not exist without people. Indeed, "systems" are created by people to establish standard ways of accomplishing certain tasks. If systemic weaknesses exist in a professional field of endeavor, they are often due to a lack of people who are professionally qualified to create and manage the systems.

Such is the case in the federal court library system. Almost every weakness described in this report is directly attributable to either personnel shortages at the administrative, circuit, and district levels, or to a lack of professionaly qualified personnel at the administrative and district levels.

Thus, the recommendations in this report dealing with personnel and management deserve the most serious consideration of the Judicial Conference. Of the utmost importance, then, is the creation of a director of federal court libraries within the Administrative Office. The library director must be professionally trained in public administration, law, and law librarianship. He must be able to create the proper environment for law book procurement and management in the

Administrative Office, coordinate, on the national level, the legal research facilities serving federal judges, and assist in the stimulation and the development of improved techniques of finding the law.

Adopting this one recommendation would result in the automatic adoption of many needed improvements described in this report. Systemic weaknesses caused by a lack of personnel trained in law library science would be reduced, leaving only those caused by the inevitable shortage of funds. The weaknesses caused by inadequate funding, though perhaps perennial, could be reduced to a minimum through the leadership of the new director of federal court libraries.

The need for changes in personnel and personnel polciy is not limited to the national administrative level. Some of the libraries serving federal judges are understaffed; many others are inadequately staffed with nonlibrarian personnel. Upgrading the circuit librarian position so that remuneration is commensurate with expanded responsibility, and providing professional personnel in the central libraries that primarily serve district judges, will be the first steps in implementing a national legal research system that can respond to the legal information needs of the fed-

eral judiciary. Attracting professionals to these important federal court positions and providing for their continuing education and training will assure the development and improvement of techniques and resources to meet the increasing judicial demand for legal information.

As the federal judiciary expands in number and in the demands made upon it, the need for a "legal research system" becomes more acute. Experiments with new technology, development of new ideas, and identification of needed services will never occur in a system staffed by overworked librarians at the circuit level and nonlibrarians having other duties at the district level. Without such experimentation and development carried on by competent personnel, the legal research system envisioned by this report will never come to pass.

Adding professional personnel at the national level and creating new personnel policies at the circuit and district levels should hasten the demise of unnecessary duplication in the federal court library system.

Some duplication of holdings, of course, is a necessary condition in the federal judiciary, for

whenever there must be many judges in multiple buildings, holding multiple hearings, there must be duplicate law book collections. The degree of duplication, however, can and should be reduced in order to avoid waste, prepare for a continuing proliferation of legal information, and release funds for the purchase of a wider variety of needed legal research tools.

This report has demonstrated that one cause of duplication is the "artificial distinction" between courts of appeals and district courts in the creation, maintenance, and staffing of central libraries. By eliminating that distinction and by providing central libraries with professional staffs at those locations where the number of circuit and district judges is sufficiently high to justify a central library, the pressure for duplication in chambers holdings should decrease.

This report and the library study material also reveal myriad other potential causes of unnecessary duplication. The most important influence, in terms of both causation and cost of correction, is the poor architectural design of most federal court library facilities. This report discloses a need for more

careful planning of library design by the General Services Administration and the Administrative Office. As long as central library facilities remain relatively inaccessible, federal judges and their staffs will continue to desire and demand extensive, duplicative chambers holdings.

Unnecessary duplication will never diminish to zero as long as a working chambers collection is maintained for each federal judge. Given the historical development of the federal judiciary and the public and professional image of federal judges, the rule of "one judge, one library" is likely to remain necessary.

But some federal judges have demonstrated that shared chambers library facilities can work and do provide better libraries for small groups of judges. When such facilities are conveniently located and comfortably appointed, they provide a larger collection than any single judge could expect to maintain for his sole use.

Finally, it must be emphasized that the recommendations contained in this report do not constitute the entire list of needed improvements. There are numerous additional areas that merit the attention of management

on the national and local levels. It is hoped, however, that if a director of federal court libraries is appointed--the single recommendation we consider indispensable to solving the most serious problems that exist in the federal court library system--the new director will be able to refer to this report and the library study material for a virtually inexhaustible supply of projects worthy of attention and effort.

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NOTES

1. R. Taylor, Federal Court Library Study: Report and Recommendations iii (1977) [hereinafter cited as Study].

2. Id.

3. Id. at iv.

4. Id. at 3-4.

5. Id. at 6.

6. Id. at 7. See appendix A, "Basis for Valuing the Libraries of the United States Courts." (Nineteen separate appendixes accompany the study.)

7. Study at 7.

8. Id. at 8.

9. See Study, table 1. The personnel figures are given in ranges that reflect the respective JSP salary ranges. Also, the study accounted for the fact that many judiciary personnel attend law books as part of their duties. The costs of these personnel therefore, have been reduced by the percentage of time devoted to other functions.

10. Id.

11. Appendix B, "Personnel Time and Cost for Maintenance of United States District Court 'Central Libraries'" 3.

12. Study at 10.

13. Appendix C, "Cost of Law Book Space in the Federal Courts."

14. See Study at 10-11. See also supplemental report 2, Books That Judges and Other Court Officials Have and Do Not Need (1977).

15. Study at 11.

16. See Study at 11-12.

17. Study at 13.

18. Id. at 17.

19. Id. at 20.

20. Id. at 22.

21. Id. at 23.

22. 28 U.S.C. § 713(a) (1970) provides that "[e]ach court of appeals may appoint a librarian and necessary library assistants who shall be subject to removal by the court." Although there is no comparable provision authorizing district court librarians, which accounts for the "distinctions" between libraries in courts of appeals and district courts, 28 U.S.C. § 604(a)(5) (1970) authorizes the director of the Administrative Office of the United States Courts to "[f]ix the compensation of clerks of court, deputies, librarians, criers, messengers, law clerks, secretaries, stenographers, clerical assistants, and other employees of the courts whose compensation is not otherwise fixed by law. . . ." (emphasis supplied) The clear implication of section 604(a)(5) is that the director of the Administrative Office could create the district court librarian position, without further express statutory authority.

23. Study at 24.

24. Id. at 36.

25. See appendixes D, E, F, and G, where the manuals are reproduced in full.

26. Study at 39.

27. Study at 38, quoting Administrative Office memorandum from Paul R. Tuell to Gilbert L. Bates, Jan. 11, 1977.

28. Study at 38.

29. Id. at 39.

30. Id. at 40.

31. Id.

32. See supplemental report 9, Procurement of Law Library Materials for the United States Courts 16 (1977).

33. Study at 40.

34. See appendix H, where the letter, dated Oct. 14, 1976, is reproduced in full. See also appendix I, "Administrative Office Response to Library Requisitions."

35. Appendix D, "Title X, 'Law Books,' Guide to the Administrative Organization of the United States Courts" (emphasis supplied).

36. See 31 U.S.C. §§ 665a, 712a (1970), 41 U.S.C. § 5 (Supp. V 1975), 41 U.S.C. § 11 (1970)--statutory provisions that prohibit contracting for goods or services beyond the fiscal year during which appropriations were made for such goods and services.

37. A May 27, 1976, report from the First Circuit librarian states:

> "Practically every newly published administrative decision volume. . . has to be requested individually. By the time these publications have been announced in the Monthly Catalog (our only source for check at present) it is sometimes too late for immediate acquisition. . . . Releases for loose-leaf textbooks are often neglected (especially recently) and statements

concerning their status are seldom handled with dispatch. Lately, also, state reports have been tardy in appearing as have supplements which should arrive automatically.

"Not long ago it took us over 6 months (3 letters, 2 telephone calls) to obtain pocket parts for Scott on Trusts, and this item has had to be requested every year since that experience. Another time, a year and half elapsed before we received a volume of the Massachusetts Reports--after 4 letters and 5 telephone calls, 2 from judges' secretaries and 3 from the librarian with desperation in her voice."

A March 9, 1976, letter from the Second Circuit librarian to the Administrative Office states:

"I am quite discouraged. Enclosed letter, recapitulating last year's unanswered requests was sent almost 2 months ago. Except for the Moore replacement volume and the Shepard's N.Y. Locator, nothing was received. . . .

"What can be done? I know you are overworked, but something will have to give somewhere if we are to remain working libraries."

A May 27, 1976, letter from the Ninth Circuit librarian states:

"For pocket parts, supplements, continuations, periodical renewals, and releases to looseleaf material we have had to resort to requisitioning because the AO did and does not furnish automatically. When we become aware by utilizing checklists and other sources that upkeep material is published we send a form letter to the publisher requesting availability and price. When this information is received we pass it on to the AO with a request to order the material.

"I will not go into the problems with being billed directly, fifth notices for nonpayment of

material, upkeep material sent directly to the library without the AO issuing a purchase order. The correspondence is never ending."

(emphasis supplied.)

38. Study at 50.

39. Id.

40. Id. at 53.

41. Id.

42. Responding to an advisory committee member's inquiry regarding lack of concern or action by the Administrative Office to urgent needs of the libraries, one Administrative Office official replied that of necessity, the Administrative Office established priorities, and libraries were low on the priority list.

43. Study at 50.

44. Id. at 52.

45. Id.

46. Id. at 53-54.

47. Id. at 26. Illustration of the records can be found in supplemental report 8, Law Book Records Maintained by the Administrative Office of the United States Courts (1977).

48. Study at 28.

49. Id.

50. Id. See supplemental report 6, Explanation and Summary of 1976-1977 Inventory of United States Government-Owned Books Held by Federal Court Officials (1977).

51. See appendix J, "Job Descriptions of United States Court of Appeals Libraries Personnel." See also appendix K, "Comparative Data on Federal Court Library Personnel."

52. 28 U.S.C. § 713(a) (1970).

53. Study at 44.

54. Id. at 45.

55. Id. at 46.

56. Id. at 46-47.

57. Roalfe, The Libraries of the Legal Profession 154-55 (1953) [hereinafter cited as Roalfe].

58. Study at 70.

59. Id. quoting Roalfe, supra note 57, at 306.

60. Id.

61. Id.

62. Study at 132.

63. Id. at 132-33.

64. Id. at 133.

65. Id. at 31.

66.

TITLE	QUANTITY
United States Code Annotated	1,070
Federal Reporter 2d	945
Federal Supplement	884
Modern Federal Practice Digest	786
Shepard's Federal Citations	761

Shepard's U. S. Citations	742
Federal Rules--Criminal	694
Federal Rules Decisions	640
Federal Rules--Civil	626
United States Reports	569
Wright, Federal Practice and Procedure	544
Moore, Federal Practice	516
Federal Jury Instructions	515
U.S. Code Congressional and Administrative News	437
Restatements of the Law	407
Corpus Juris Secundum	378
American Jurisprudence 2d	363
Internal Revenue Code	362
Federal Reporter	355
Wright's Hornbook on Federal Courts 2d	322
Wigmore, Evidence	316
American Law Reports 3d	308
Shepard's Popular Names Citations	296
Internal Revenue Acts	292
Criminal Law Reporter	288
American Law Reports, Federal	284
Federal Digest	268

67. Study at 125

68. Id. at 57.

69. Id. at 201.

70. Id.

71. Id. at 201-02.

72. Id. at 59.

73. Id. at 203-04.

74. Id. at 29. See supplemental report 3, Inventory of Periodicals in Federal Court Libraries Showing Total Number of Volumes in Collections (1977).

75. Study at 30.

76. Study at 76.

77. Id. at 77.

78. Id.

79. Id. at 206.

80. Id.

81. Id. at 77, quoting Brock, Law Libraries and Librarians, 67 Law Lib. J. 325 (1974).

82. Id. at 79-80.

83. See id. at 80.

84. See supplemental report 12, Application of Facsimile Transceivers to the Transmission of Law Research Materials in the Federal Courts (1977).

85. Supplemental Report 9, supra note 32, at 19.

86. Study at 147, et seq.

87. Id. at 144.

88. For example, the new director of federal court libraries should review the results of a Federal Judicial Center pilot project that provides legal research services to federal judges. If the results of that project reveal a demand for central legal research services that would require access for the judiciary to the law library facilities in Washington, D.C., the new Administrative Office library director should institute permanent arrangements for such services. See recommendation 19, infra, concerning recommended ongoing programs of the Administrative Office and the Federal Judicial Center.

89. See recommendation 5, infra.

90. See recommendation 7, infra.

91. See recommendation 5, infra.

92. See Study at 26.

93. Id. See also supplemental report 8, Law Book Records Maintained by the Administrative Office of the United States Courts (1977).

94. See supplemental report 6, supra note 50.

95. See recommendation 17, infra.

96. See Aug. 4, 1977 memorandum of Administrative Office's general counsel, at 2.

97. See Study at 192-93.

98. Study at 40. See supplemental report 9, supra note 32, at 16, 18-20. See also appendix H, "Letter from Frank Di Canio to Paul R. Tuell."

99. Supplemental report 9, supra note 32, at 8.

100. Study at 8.

101. See recommendation 5, supra, which calls for establishing budgets on the circuit level.

102. See Study at 10.

103. Study at 42-43.

104. Id. at 120.

105. Id. at 157-64.

106. See recommendation 9, infra.

107. 28 U.S.C. § 713(a) (1970).

108. See supplemental report 10, Personnel for Law Research Facilities of the United States Courts 2-18 (1977).

109. Study at 44.

110. Id. at 45.

111. Id.

112. Administrative Office memorandum at 3-4 (Sept. 23, 1977).

113. 28 U.S.C. § 604(a)(5) (1970).

114. Study at 157-59.

115. Id. at 158. For a description of the study's "District Law Materials Specialist" whose duties are similar to those of the recommended employee, see also supplemental report 10, supra note 108, at 3-4.

116. Supplemental report 10, supra note 108, at 29.

117. See id. at 28-31.

118. See recommendation 9, supra, concerning the establishment of central librarian positions.

119. See Study at 45.

120. Id. at 157-59.

121. United States Court of Appeals for the Third Circuit, Report on Pilot Project for "Satellite Library" Operations--Two Years 1 July 1975 - 30 June 1977, at 1 (July 25, 1977) (unpublished report to the Judicial Conference of the United States).

122. Study at 88.

123. Id. at 90.

124. Id.

125. See recommendations 5 and 7, supra.

126. See recommendation 6, supra.

127. Study at 185.

128. Id. at 177-78. See id., tables 20-26.

129. Appendix P, "Minimum Library Standards" at 1.

130. Id. at 2.

131. Id. at 187.

132. See supplemental report 2, supra note 14.

133. Study at 128-29.

134. Id. at 127.

135. Id. at 129.

136. Id. at 62.

137. Id.

138. Id. at 62-63.

139. Id. at 205.

140. Id. at 203.

141. Id. at 63.

142. Supra note 129.

143. Study at 208-11.

THE FEDERAL JUDICIAL CENTER

The Federal Judicial Center is the research, development, and training arm of the federal judicial system. It was established by Congress in 1967 (28 U.S.C. §§ 620-629), on the recommendation of the Judicial Conference of the United States.

By statute, the Chief Justice of the United States is chairman of the Center's Board, which also includes the Director of the Administrative Office of the United States Courts and five judges elected by the Judicial Conference.

The Center's **Continuing Education and Training Division** conducts seminars, workshops, and short courses for all third-branch personnel. These programs range from orientation seminars for judges to on-site management training for supporting personnel.

The **Research Division** undertakes empirical and exploratory research on federal judicial processes, court management, and sentencing and its consequences, usually at the request of the Judicial Conference and its committees, the courts themselves, or other groups in the federal court system.

The **Innovations and Systems Development Division** designs and helps the courts implement new technologies, generally under the mantle of Courtran II—a multipurpose, computerized court and case management system developed by the division.

The **Inter-Judicial Affairs and Information Services Division** maintains liaison with state and foreign judges and judicial organizations. The Center's library, which specializes in judicial administration, is located within this division.

The Center's main facility is the historic Dolley Madison House, located on Lafayette Square in Washington, D.C.

Copies of Center publications can be obtained from the Center's Information Services office, 1520 H Street, N.W., Washington, D.C. 20005; the telephone number is 202/633-6365.